

EXHIBIT A

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TESLA, INC., a Delaware
corporation,

Plaintiff,

v.

MARTIN TRIPP, an
individual,

Defendant.

MARTIN TRIPP, an
individual,

Counterclaimant,

v.

TESLA, INC., a Delaware
corporation,

Counterdefendant,

Case No.
3:18-CV-00296-LRH-CBC

CONFIDENTIAL

Videotaped Deposition of Elon Musk
Los Angeles, California
Friday, February 21, 2020

Michael P. Hensley, RDR, CSR No. 14114

Depo Dynamics
(888) 494-3370

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1 reporter please swear in the witness.

2 ELON MUSK,
3 having been first duly sworn, was examined and testified
4 as follows:

5 EXAMINATION

6 BY MR. FISCHBACH:

7 Q. Sir, can I have your full name for the record.

8 A. Elon Reeve Musk.

9 Q. Mr. Musk, are you under the influence of any
10 medications or controlled substances or anything that
11 might impact your ability to give truthful and accurate
12 deposition testimony here today, sir?

13 A. No.

14 Q. Sir, did you understand the oath you just took?

15 A. Yes.

16 Q. What does it mean to you?

17 A. How is this relevant to the testimony?

18 Q. Sir, I'm not here to answer your questions.
19 You're here to answer my questions.

20 A. Okay.

21 Q. My question for you is, sir, do you understand
22 the oath that you just took?

23 A. Yes, of course.

24 Q. What do you think it means?

25 A. To say the whole truth, nothing but the truth,

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1 you supported -- or that you submitted in opposition to
2 your deposition?

3 A. I suppose it was.

4 Q. All right. Did you read this before you signed
5 it?

6 A. Yeah.

7 Q. Is everything in this declaration true?

8 A. I certainly believed it to be true. Do you want
9 me to read it in detail?

10 Q. I do not, Mr. Musk.

11 A. Yeah.

12 Q. I want to ask you, however, why this deposition
13 would pose a substantial burden and hardship to you in
14 this case.

15 A. Well, I have a lot of obligations to run two
16 companies and make sure that the right thing happens
17 there. This case, in my view, is a frivolous case
18 brought by a counterparty who is just a terrible human
19 being. And, frankly, if I may say so, I -- I'm troubled
20 by your association with him.

21 So instead of me being able to do my duty for
22 the companies, I'm here. This is not -- this is not --
23 this is not -- does not serve anyone. It's not good.
24 It's a waste of time.

25 Q. I think you knocked your microphone down,

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1 Mr. Musk.

2 A. Yeah.

3 Q. Thank you.

4 THE VIDEOGRAPHER: Mr. Musk, if it could be on
5 your jacket, please.

6 THE WITNESS: Yeah.

7 THE VIDEOGRAPHER: Thank you, sir.

8 BY MR. FISCHBACH:

9 Q. And, sir, if I understand you correctly, time is
10 a very precious commodity for you, given the
11 responsibilities you have to these various companies; is
12 that true?

13 A. Yes. This is -- I have a lot of responsibility,
14 and it's critical to execute that responsibility. If I
15 am constantly deposed in cases that lack merit, as I
16 view this one to be --

17 MR. FISCHBACH: May I have that marked, please?

18 (Exhibit 3 was marked for identification.)

19 BY MR. FISCHBACH:

20 Q. Sir, the court reporter has handed you what has
21 been marked as deposition Exhibit 3. That is an email
22 sent from Martin Tripp to you on May 16th of 2018.

23 The title of this email is "Stator Scrap Pareto
24 (Month of April)"; correct?

25 A. Yes.

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1 Q. And it references something called "NCM"; is
2 that right?

3 A. Yes.

4 Q. NCM is shorthand for nonconforming material?

5 A. Yes.

6 Q. In other words, scrap; correct?

7 A. Yes.

8 Q. And the gist of this email is that Mr. Tripp is
9 expressing concern to you regarding scrap in the
10 Gigafactory; correct?

11 A. Yes.

12 Q. Does Tesla encourage the practice of its
13 employees reaching directly out to the CEO if they see
14 something that concerns them?

15 A. I do.

16 Q. In May of 2018 was the amount of scrap at the
17 Gigafactory a serious concern for you?

18 A. Yes.

19 Q. Did you do anything in response to Mr. Tripp's
20 email?

21 A. I -- I don't recall exactly what I did, but I
22 wanted to -- like, I forwarded it on to have it be
23 looked into.

24 (Exhibit 4 was marked for identification.)

25 MR. FISCHBACH: 4?

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1 MR. SPIRO: Copy for me?

2 MR. FISCHBACH: That is your copy.

3 BY MR. FISCHBACH:

4 Q. Sir, the court reporter has handed you what has
5 been marked as deposition Exhibit 4. This is an email
6 originally from Mr. Tripp to you on June 10th and then a
7 response from you to Mr. Tripp.

8 And in this email, you state "Getting scrap from
9 when cells exit Panasonic to less than 1 percent needs
10 to be a hardcore goal."

11 Did you actually write that?

12 A. Yeah.

13 Q. And when you say something, do you mean it?

14 A. Almost always.

15 Q. Okay. Well, should Tesla employees believe you
16 when you make a statement like that?

17 A. Yes.

18 Q. So Mr. Tripp should have believed you when you
19 stated that getting scrap down to 1 percent is a
20 hardcore goal for the company?

21 A. Of course.

22 Q. Did you do anything in response to this email to
23 meet that hardcore goal?

24 A. We did many things, and we have achieved it. No
25 thanks to Tripp.

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1 confidentiality agreement and false information.

2 Q. So this wasn't the first negative press that
3 Ms. Lopez had published regarding Tesla before; correct,
4 sir?

5 A. I mean, I don't know if she published something
6 before June 4th or not.

7 Q. Would you agree with me that, at least at this
8 point in time, you regarded her as somebody not friendly
9 to Tesla?

10 A. I don't --

11 MR. SPIRO: Objection. Form.

12 THE WITNESS: I don't know.

13 BY MR. FISCHBACH:

14 Q. You don't understand the question, or you don't
15 know whether or not she was friendly to Tesla based on
16 those articles?

17 A. Right. I certainly don't know if she was
18 friendly to Tesla. She's -- I mean, this -- these
19 articles are clearly not positive or -- yeah.

20 I mean, I have, like, 10,000 things that I need
21 to worry about to have Tesla operate effectively. This
22 is 1 out of 10,000.

23 Q. What did you think about the person that
24 provided the information to Lopez for those articles at
25 the time you learned about them?

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1 A. Well, it's -- clearly somebody is leaking
2 confidential information, breaking their confidentiality
3 agreement, and exaggerating the reality of what is going
4 on.

5 Q. And how did you feel about that?

6 A. Well, obviously, I would feel as anyone would
7 feel.

8 Q. Which was?

9 A. That Tesla was being wronged.

10 Q. What did you want to happen to the leaker when
11 you found them?

12 A. Well, they would have to pay the appropriate
13 legal penalty for violating their confidentiality
14 agreement and misleading -- you know, not just leaking
15 information, but in a way that is actively damaging to
16 the company and, in some cases, false.

17 Q. Now, both of these articles reference scrap in
18 the Gigafactory; correct?

19 MR. SPIRO: You can take a minute to read the
20 articles if you want to.

21 THE WITNESS: Absolutely.

22 MR. FISCHBACH: Well, we'll go off the record if
23 he's going to read the whole articles.

24 MR. SPIRO: Well, you're asking him a question
25 about the articles. You asked the question.

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1 the Gigafactory and Tesla's seeming indifference to
2 those scrap levels?

3 A. When I first received email from Tripp, I
4 thought he was sane and genuine. And later, information
5 revealed he appeared to not be sane or at least
6 partially be insane and not be genuine and to be acting
7 out of malice.

8 Q. And sitting here today, you -- you dispute the
9 veracity of the information that Mr. Tripp provided to
10 Ms. Lopez; is that correct, sir?

11 MR. SPIRO: Objection as to form. Which
12 information?

13 THE WITNESS: He clearly provided scrap
14 information that was far in excess of reality in some
15 cases.

16 MR. FISCHBACH: Mark that, please.

17 THE WITNESS: I believe at one point he --

18 THE REPORTER: Just a moment.

19 THE WITNESS: Sorry.

20 THE REPORTER: Thank you.

21 (Exhibit 7 was marked for identification.)

22 MR. FISCHBACH: Ready?

23 BY MR. FISCHBACH:

24 Q. Sir, the court reporter has handed you what has
25 been marked as deposition Exhibit 7. These are two

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1 emails that you sent to all Tesla personnel; is that
2 correct, sir?

3 A. Yes.

4 Q. And do you recognize these emails?

5 A. Yeah.

6 Q. And this email -- or both emails were sent
7 shortly after Mr. Tripp was identified as the Business
8 Insider leaker; correct, sir?

9 A. Well, not that long. Oh, I don't know when he
10 was identified as the -- this says June 18th. I'm not
11 sure exactly what the date is that he was identified as
12 the leaker.

13 Q. Well, I'll avow to you that he was interrogated
14 by Tesla personnel on June 15th --

15 A. Okay.

16 Q. -- and June 16th.

17 A. Okay.

18 Q. Approximately how many Tesla employees were
19 there at the time this email was sent?

20 A. I don't know the exact number. If -- 30,000
21 perhaps.

22 Q. You wrote in this email "I was dismayed to
23 learn... about a Tesla employee who had conducted quite
24 extensive and damaging sabotage to our operations. This
25 included making direct code changes to the Tesla

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1 Manufacturing Operating System under false usernames and
2 exporting large amounts of highly sensitive Tesla data
3 to unknown third parties."

4 Did I read that correctly, sir?

5 A. Yes.

6 Q. And the employee you're referring to here is
7 Mr. Tripp; correct?

8 A. Yes. I do not mention him by name, but, yes,
9 that's -- that is who I was referring to.

10 Q. What evidence did you have at the time that you
11 sent this email that Mr. Tripp had conducted, quote,
12 "extensive and damaging sabotage" to Tesla's operations?

13 A. This is the -- the substance of the information
14 that was conveyed to me by Tesla's security team.

15 Q. Okay. So your attorney -- your prior attorney
16 suggested that I look up the definition of sabotage.
17 And in Merriam-Webster, it's defined as, quote,
18 "Destruction of an employer's property (such as tools or
19 materials) or the hindering of manufacturing by
20 discontented workers."

21 Did Mr. Tripp inflict any physical harm to the
22 Gigafactory?

23 MR. SPIRO: Is that the whole definition?

24 MR. FISCHBACH: Is that an objection?

25 MR. SPIRO: Well, if -- this question's

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1 misleading, yeah. It's an objection to form.

2 MR. FISCHBACH: All right. The objection is
3 noted.

4 BY MR. FISCHBACH:

5 Q. Please answer the question, Mr. Musk.

6 A. I -- I suspect he probably did, but we do not
7 have evidence of that that's 100 percent in this regard.

8 Q. Did Mr. Tripp destroy any batteries or equipment
9 at the Gigafactory?

10 A. Not that -- not that we caught him doing.

11 Q. Were production levels of the Gigafactory
12 hindered at all due to Mr. Tripp's conduct?

13 A. Probably.

14 Q. Do you have any evidence to support that,
15 Mr. Musk?

16 A. We did not catch him doing it.

17 Q. You go on to state "The full extent of his
18 actions are not yet clear."

19 So at the time you made this statement, you
20 didn't have a complete investigation of the facts, did
21 you, Mr. Musk?

22 A. We had to -- there were a lot of -- a lot of
23 negative facts conveyed to me, or believed to be facts,
24 by security team. And it appeared to be just the tip of
25 the iceberg.

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1 Q. Sir, but my question was, at the time you made
2 this statement, you did not have a complete
3 investigation of the facts, did you?

4 MR. SPIRO: Objection to form.

5 THE WITNESS: We did not have a complete
6 investigation of the facts, but the facts that had come
7 to light were extremely bad.

8 BY MR. FISCHBACH:

9 Q. All right. Do you do this often, make
10 statements to all your employees before you have all the
11 facts?

12 MR. SPIRO: Objection to form.

13 THE WITNESS: I think this notion that one can
14 have all the facts is -- is, again, sort of an example
15 of legal trickery.

16 BY MR. FISCHBACH:

17 Q. You go on to write "However, there may be
18 considerably more to this situation than meets the eye;
19 so the investigation will continue in depth this week.
20 We need to figure out if he was acting alone or with
21 others at Tesla and if he was working with any outside
22 organizations.

23 "As you know, there are a long list of
24 organizations that want Tesla to die. These include
25 Wall Street short-sellers, who have already lost

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1 billions of dollars and stand to lose a lot more. Then
2 there are the oil and gas companies, the wealthiest
3 industry in the world. They don't love the idea of
4 Tesla advancing the progress of solar power and electric
5 cars. Don't want to blow your mind, but rumor has it
6 that those companies are sometimes not super nice.

7 "Then there [all] the multitude of big
8 gas/diesel car company competitors. If they're willing
9 to cheat so much about emissions, maybe they're willing
10 to cheat in other ways?

11 "Most of the time, when there is theft of goods,
12 leaking of confidential information, dereliction of
13 duty, or outright sabotage, the reason [is really]
14 something simple like wanting to get back at someone
15 within the company or at the company as a whole.
16 Occasionally, it is much more serious."

17 Are short-sellers and big oil companies --
18 sorry, short-sellers, big oil companies, and traditional
19 car companies enemies of Tesla in your view, Mr. Musk?

20 MR. SPIRO: Objection to form.

21 THE WITNESS: I wouldn't say that they're
22 initially enemies, but they have interests contrary to
23 that of Tesla.

24 BY MR. FISCHBACH:

25 Q. Okay. And according to you in that email, they

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1 want to see Tesla die; correct?

2 A. Some of them do.

3 Q. Why did you feel the need to reference
4 short-sellers and big oil and competitor car companies
5 and their desire to see Tesla die in this email about
6 Mr. Tripp?

7 MR. SPIRO: Objection to form.

8 You can answer if you can.

9 THE WITNESS: I mean, I'm simply listing the --
10 that there are a lot of people and organizations out
11 there who have interests contrary to Tesla that people
12 may not be aware of.

13 BY MR. FISCHBACH:

14 Q. Okay. What was the point of you linking those
15 outside interests, the big oil and the short-sellers and
16 the car companies, to Mr. Tripp?

17 MR. SPIRO: Objection to form. Assumes facts.

18 THE WITNESS: This was not implying that he
19 somehow works for all of those people, but -- but
20 that -- it's possible that he could.

21 BY MR. FISCHBACH:

22 Q. At the time you sent that email, did you have
23 any evidence that Mr. Tripp was working with
24 short-sellers?

25 A. On this -- on June 18th?

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1 Q. Yes.

2 A. No. I wouldn't say that we had direct evidence.

3 Q. Did you have any evidence that Mr. Tripp was
4 working with oil and gas companies?

5 A. No.

6 Q. Did you have any evidence that Mr. Tripp was
7 working with big gas/diesel car companies that are
8 Tesla's competitors?

9 A. No.

10 Q. So sitting here today, you have no evidence that
11 Mr. Tripp was working with short-sellers, oil and gas
12 companies, or big gas/diesel car companies during his
13 employment with Tesla; is that correct, sir?

14 MR. SPIRO: Objection. Compound.

15 THE WITNESS: The -- there did appear to be a
16 link to Jim Chanos, a prominent short-seller of Tesla
17 who is closely associated with Linette Lopez, and the
18 information that Lopez was publishing was beneficial to
19 Chanos.

20 BY MR. FISCHBACH:

21 Q. Anything else?

22 A. No.

23 Q. Did you know about the supposed link with
24 Mr. Chanos when you sent that email?

25 A. I'm not certain.

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1 Q. You followed up with an email on June 18th,
2 "...last night we had another strange incident that was
3 hard to explain. Small fire on the body-in-white
4 production line. No one was in the area and there were
5 no injuries or significant equipment damage, but it was
6 enough to stop the body production line for several
7 hours.

8 "Could just be a random event, but as Andy Grove
9 said, 'Only the paranoid survive.' Please be on the
10 alert for anything that's not in the best interest of
11 our company. If you aren't getting a respondent from
12 the emdesk email, please send me a note directly."

13 Sir, did you think that Mr. Tripp had anything
14 to do with the fire in the body-in-white line?

15 A. No.

16 Q. Then why did you follow up your prior email
17 regarding Mr. Tripp with an email about this fire?

18 MR. SPIRO: Objection. Form.

19 THE WITNESS: It's just one of a series of
20 incidents that was concerning. There were just a lot of
21 unexplained incidents that caused the Tesla production
22 line to get to -- to fall out that were in our
23 electronic control system and -- yeah. It's just that
24 there were a lot of incidents that stopped the line and
25 there was no clear explanation for why the -- why these

1 things happened.

2 BY MR. FISCHBACH:

3 Q. Okay. When you sent out that email, did you
4 have any evidence that Mr. Tripp had anything to do with
5 that fire?

6 A. No.

7 Q. You have a quote in here, "Only the paranoid
8 survive." Did something that Mr. Tripp did make you
9 feel paranoid, Mr. Musk?

10 A. Well, no. This is a quote from Andy Grove where
11 he's essentially saying that you should not be
12 complacent and you should take potential threats
13 seriously. And that is the -- an appropriate duty of
14 the CEO of the company.

15 Q. Do you consider yourself a paranoid person?

16 A. No.

17 Q. Have there been fires in Tesla facilities before
18 June 18th of 2018?

19 MR. SPIRO: Objection. That's outside the
20 scope.

21 THE WITNESS: Yes.

22 MR. SPIRO: You don't have to answer if I say --

23 THE WITNESS: Sure.

24 MR. SPIRO: -- it's outside the scope.

25 THE WITNESS: Okay. Sure. All right. Sure,

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1 (Exhibit 8 was marked for identification.)

2 BY MR. FISCHBACH:

3 Q. Mr. Musk, the court reporter has handed you what
4 has been marked as deposition Exhibit 8. This is an
5 exchange between you and Mr. Tripp on June 20th of 2018;
6 correct, sir?

7 A. Yes.

8 Q. And I'll avow to you, sir, that June 20th is
9 also the same day that Tesla filed its lawsuit against
10 Mr. Tripp.

11 Are you aware of that?

12 A. June 20th?

13 Q. Yes, sir.

14 A. Now that you mention it, I am.

15 Q. And it first started -- the first message was
16 from Mr. Tripp to you at 8:57 A.M.; is that right, sir?

17 A. Yes.

18 Q. Subject of the email is "Termination/Lawsuit"?

19 A. Mm-hmm.

20 Q. And that's your Tesla email address?

21 A. It doesn't state my email address, but it --
22 assume it is.

23 Q. Erm@tesla.com?

24 A. It doesn't show ERM.

25 Q. But is that your Tesla email address, sir?

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1 A. Yes.

2 Q. And that's not a secret within the company, is
3 it, sir?

4 A. No.

5 Q. Is it your common practice to communicate with
6 employees that Tesla has recently fired?

7 A. It's not common.

8 Q. Why did you respond to this email from
9 Mr. Tripp?

10 A. I mean, he sent me an email that was clearly a
11 very threatening email saying I have what's coming to
12 me. And so I said -- replied to him that "Threatening
13 me only makes it worse for you."

14 Q. Did he threaten your physical safety?

15 A. I took that to imply that it could be a physical
16 threat, yes.

17 Q. It said "Don't worry. You have what's coming to
18 you for the lies you have told to the public and
19 investors."

20 You took that as a threat to your physical
21 safety, Mr. Musk?

22 MR. SPIRO: Objection. Form. Asked and
23 answered.

24 THE WITNESS: Yes.

25 ///

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1 BY MR. FISCHBACH:

2 Q. Why was it so important that you get personally
3 involved in this dispute with Mr. Tripp?

4 MR. SPIRO: Objection to form.

5 THE WITNESS: It is -- it is not usual for --
6 it's not common for me to get involved in individual
7 disputes, but it's also not common for me to have -- for
8 some -- somebody to interact with me in this way; so --

9 BY MR. FISCHBACH:

10 Q. You go on to state "You should [be] ashamed of
11 yourself for framing other people. You're a horrible
12 human being"; is that right, sir?

13 A. Yes. I do think he's a horrible human being,
14 yes. I'm quite convinced of that actually.

15 Q. Thank you.

16 A. Yeah.

17 Q. How did he frame -- who did he frame?

18 A. When he was stealing the data from Tesla, he
19 logged in as -- with other people's usernames in order
20 to hide his tracks and make it look like they were the
21 ones taking the data, not him.

22 Q. But who? Give me a name, please.

23 A. I don't recall the names offhand, but it was
24 he -- he logged in with multiple other usernames. And I
25 believe at first we -- we actually thought the person

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1 who had taken the data was someone else because --
2 because he had logged in with their name. And so that's
3 what I would -- any reasonable person would call framing
4 somebody else.

5 Q. And you were taking this incident with Mr. Tripp
6 personally, it looks like; is that right, Mr. Musk?

7 A. I -- I did take it personally in that he was --
8 it seemed like this is someone who had gone out of his
9 way to harm the company.

10 Q. And --

11 A. And he was -- he had betrayed our trust. He
12 betrayed his confidentiality agreement. He had just
13 been an awful person who had done harm to the company.

14 Q. I want to get your -- I want to understand your
15 definition of a "horrible human being," Mr. Musk.

16 Steven Paddock, the Las Vegas shooter, is that a
17 horrible human being in your opinion?

18 MR. SPIRO: Objection. Form.

19 THE WITNESS: Of course.

20 MR. SPIRO: And if you know anything about these
21 people that he asks you about.

22 BY MR. FISCHBACH:

23 Q. Do you think Jeffrey Epstein was a horrible
24 human being?

25 A. Yes.

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1 "horrible" and "terrible" cover a wide range of -- of
2 opinions.

3 BY MR. FISCHBACH:

4 Q. So Mr. Tripp was like a bad meal for you?

5 A. Do you -- do you wish to spend this -- this
6 deposition engaging in legal trickery or asking at real
7 questions?

8 Q. Mr. Musk, can you please answer my question,
9 sir.

10 MR. SPIRO: Was it like a bad meal? That's the
11 question pending.

12 THE WITNESS: No, it's not like a bad meal.

13 BY MR. FISCHBACH:

14 Q. Do you think it was reckless for Lopez to
15 publish this information from Mr. Tripp without
16 verifying it?

17 A. Yes.

18 MR. SPIRO: Objection. Relevance.

19 THE WITNESS: Oh.

20 MR. SPIRO: Form.

21 You can answer.

22 THE WITNESS: Yes. More than reckless.

23 BY MR. FISCHBACH:

24 Q. You go on to state "However, betraying your word
25 of honor, breaking the deal you had when Tesla gave you

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1 a job, and framing your colleagues are wrong and come
2 with some legal penalties. So it goes. Be well."

3 You also thought Mr. Tripp was a traitor;
4 correct, sir?

5 A. I -- I guess.

6 Q. Well, you said he --

7 A. -- of course.

8 Q. He betrayed his word of honor; correct?

9 A. Yes.

10 Q. So he's a traitor?

11 A. To -- to Tesla, yes, of course.

12 Q. He's a horrible human being and a traitor in
13 your mind; correct?

14 A. He's a bad person for sure.

15 Q. You state "So it goes." I've seen you use that
16 phrase in other places. What does that phrase mean to
17 you?

18 MR. SPIRO: Objection to the windup colloquy.

19 BY MR. FISCHBACH:

20 Q. You can answer the question, Mr. Musk.

21 A. It's just a way of saying that that's life.

22 Q. And you also wrote "Be well." Did you really
23 wish Mr. Tripp good fortune when you said that?

24 A. Probably not.

25 Q. Did you wish him good health?

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1 A. I don't wish anyone bad health.

2 Q. Hmm. Well, then why did you say "Be well"?

3 A. Neither here nor there.

4 Q. You don't know why you said "Be well"?

5 MR. SPIRO: Objection. Asked and answered.

6 THE WITNESS: It's an off-the-cuff comment.

7 BY MR. FISCHBACH:

8 Q. You mention "legal penalties." What penalties
9 did you have in mind?

10 A. Whatever is appropriate under the law for
11 breaking confidentiality agreement and leaking vast
12 amounts of confidential information and misleading
13 journalists about the state of the company.

14 Q. Did you have a particular penalty in mind,
15 though?

16 A. I do not know of a particular penalty. It's
17 whatever is appropriate under the law.

18 Q. Now, most people would regard a penalty as a
19 form of punishment. Did you want Mr. Tripp punished for
20 his conduct?

21 MR. SPIRO: Objection to form.

22 And don't answer anything that you've had --
23 that has to do with conversations you've had with
24 counsel.

25 MR. FISCHBACH: I agree with that, sir.

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1 pay the appropriate legal penalty.

2 BY MR. FISCHBACH:

3 Q. He was going to get what was coming to him;
4 right?

5 MR. SPIRO: Objection to form.

6 THE WITNESS: That's not how I put it.

7 MR. FISCHBACH: 9?

8 THE REPORTER: Correct.

9 (Exhibit 9 was marked for identification.)

10 BY MR. FISCHBACH:

11 Q. Mr. Musk, this exhibit, Exhibit 9, that the
12 court reporter handed you, this is an email from
13 yourself to Julia Wong.

14 She's a reporter with The Guardian; correct?

15 A. Yeah.

16 Q. Had you ever communicated with Julia Wong before
17 this email exchange on June 20th?

18 A. I don't recall. Possibly, but I don't recall.

19 Q. And if I could direct your attention to the
20 second to last page, Mr. Musk, it appears that Ms. Wong
21 initiated this email communication with you because she
22 had questions about the lawsuit that Tesla had initiated
23 that day; is that correct, sir?

24 A. Yes.

25 Q. Now, Tesla has a communications team to respond

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1 to press inquiries; is that correct, sir?

2 A. Yes. We -- well, yeah, we have communications
3 team.

4 Q. And you don't respond personally to every press
5 inquiry received, do you, sir?

6 A. No.

7 Q. But you responded to this one; correct?

8 A. This one was directed to me, and at times I do
9 respond directly.

10 Q. And in this case the inquiry had to do with
11 Mr. Martin Tripp; correct?

12 A. Yes.

13 Q. The same Martin Tripp that earlier that day you
14 had called a horrible human being and a traitor;
15 correct?

16 MR. SPIRO: Objection. Misstates the evidence.
17 I don't remember the word "traitor" being in the email.
18 Was it?

19 BY MR. FISCHBACH:

20 Q. You can answer the question, Mr. Musk.

21 A. This is a person that I -- that I thought was a
22 horrible human being and had betrayed the trust of the
23 company.

24 Q. Thank you, sir.

25 You wrote "Tripp sent me a threatening email

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1 this morning. Below is the exchange. I was just told
2 that we received a call at the Gigafactory that he was
3 going to come back and shoot people. The police have
4 been alerted and we have posted additional security.
5 Our comms team can fill you in."

6 What was Mr. Tripp going to shoot people with,
7 Mr. Musk?

8 A. What was Mr. Tripp -- what do you mean "What was
9 Mr. Tripp going to shoot people with?"

10 Q. Well, you wrote in here "I was just told that we
11 received a call at the Gigafactory that he was going to
12 come back and shoot people."

13 I'm asking you what was he going to come back
14 and shoot people with?

15 A. Guns. What do you mean?

16 Q. Well, what kind of gun? A rifle?

17 A. I don't know what kind of guns.

18 Q. A shotgun?

19 MR. SPIRO: Objection. Asked and answered.

20 THE WITNESS: What -- what is the point of
21 asking me what type of guns he has? I -- I don't know
22 what type -- I don't know what guns he has.

23 BY MR. FISCHBACH:

24 Q. Do you know whether or not he was going to come
25 back with an automatic or semiautomatic weapon?

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1 A. I was -- I was simply told by security that
2 the -- we received a call saying that -- that Marty
3 Tripp was going to -- was -- was on his way to the
4 Gigafactory and was heavily armed, was extremely
5 volatile and angry, and it sounded like he was going to
6 try to shoot everyone.

7 Q. So when you sent this email to Julia Wong, you
8 didn't know what kind of gun Mr. Tripp was going to come
9 back and shoot people with, did you, Mr. Musk?

10 A. No. But I was told he was heavily armed.

11 Q. And you didn't know what kind of --

12 A. Presumably, that is not a small gun.

13 Q. You didn't know what kind of ammunition
14 Mr. Tripp was going to use, did you, Mr. Musk?

15 A. No. It -- I was told he was heavily armed, and
16 that usually means something much bigger than a handgun.

17 Q. All right. You didn't know whether or not he
18 was going to use an automatic, a semiautomatic weapon,
19 did you, Mr. Musk?

20 A. No. I was simply told that he was heavily
21 armed, volatile, and on his way to the Gigafactory.

22 Q. How was he going to get back to the Gigafactory?

23 MR. SPIRO: Objection to form.

24 THE WITNESS: I don't know. By car presumably.

25 ///

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1 BY MR. FISCHBACH:

2 Q. Well, did you know?

3 A. No. But, I mean, people -- he would just
4 get there -- go there by car or, like -- it's not like
5 it's in a secure location.

6 Q. But you didn't know how Mr. Tripp was going to
7 go back to the Gigafactory -- did you, sir? -- when you
8 made that statement?

9 A. Do you mean what form of transport he would use?

10 Q. Yes.

11 A. I mean, presumably he'd drive. I mean, I don't
12 think he would use a helicopter or walk.

13 Q. Who made the call?

14 A. Who made what call?

15 Q. The call that you reference in here, "We [just]
16 received a call at the Gigafactory."

17 Who made the call?

18 A. I don't know who made the call.

19 Q. Did the caller have an accent?

20 A. I was not on the -- I was not on the phone when
21 this person called.

22 Q. Did the caller have an accent?

23 MR. SPIRO: Objection.

24 THE WITNESS: I don't know if this caller had an
25 accent.

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1 MR. SPIRO: Asked and answered. Form. He has
2 no idea.

3 BY MR. FISCHBACH:

4 Q. The Gigafactory is outside of Reno, Nevada; is
5 that correct, sir?

6 A. Yes. It's, like, 15 minutes east of Reno.

7 Q. And the call center is actually in Las Vegas; is
8 that right?

9 MR. SPIRO: If you know.

10 THE WITNESS: We have a call center in Las
11 Vegas.

12 BY MR. FISCHBACH:

13 Q. Do you know whether or not this call was
14 received at the actual Gigafactory in Reno or at your
15 call center in Las Vegas?

16 A. I don't know.

17 As I said, I was simply told -- and this is
18 obviously a very serious matter -- that Marty Tripp is
19 heavily armed, extremely angry, and on his way to
20 Gigafactory.

21 And if, when you receive something like that,
22 it's a credible threat, you have to take such threats
23 seriously. If you don't take them seriously, there
24 could be a lot of people that die.

25 Q. And Tesla had informed the sheriff's department

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1 Mr. Musk.

2 MR. SPIRO: If you can understand the question,
3 you can answer the question.

4 THE WITNESS: I mean, it's not -- the exact
5 timing is not clear.

6 BY MR. FISCHBACH:

7 Q. All right. But you would agree with me that
8 Tesla notified the sheriff's department right away;
9 correct?

10 A. Yes.

11 Q. All right. Are you aware that your statement to
12 Julia Wong is the first statement to any member of the
13 press regarding the alleged shooting threat?

14 A. No.

15 Q. All right. Do you know why your comms team did
16 not make any prior statements to the press regarding the
17 shooting threat before you did?

18 A. No.

19 Q. And if it's such an important matter, why would
20 your comms team not inform the press?

21 MR. SPIRO: Objection to form. It's an improper
22 question.

23 You can answer if you can. Do you know why they
24 didn't inform the press? Do you know why some other
25 person didn't inform the press? You can answer that

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1 question.

2 THE WITNESS: I think they -- they -- they would
3 have, but this was all happening very quickly. And so
4 the -- you know, if it's happening quickly, then, well,
5 I will respond directly.

6 BY MR. FISCHBACH:

7 Q. I want to go back to the information you
8 received about the call. Who told you about this call
9 that was received at the call center?

10 A. I was -- I think some members of our security
11 team and human resources.

12 Q. Who?

13 A. I don't recall. I was told by many people.
14 There was -- I don't know. Probably, I don't know, half
15 a dozen people that were on a call.

16 Q. Did you ask any follow-up questions?

17 A. Yes. I asked can we -- do we have a recording
18 of the call? Let's try to figure out, you know, how
19 serious is this. Is this -- is he actually on his way
20 to the -- to -- you know, what -- you know, how -- how
21 seriously should we take this? Is this, like, a -- a
22 four-alarm fire, a one-alarm fire?

23 It's obviously a very serious threat that one
24 needs to take credibly, but there is proportionate
25 response just as a fire department would have for a

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1 class of fire. So we need to try to find out what --
2 how severe, how immediate. It's clearly a serious
3 threat, but how severe and what action should we take to
4 safeguard the people.

5 Q. Was the call recorded?

6 A. I believe it was not recorded. That's what I
7 was told.

8 Q. When you asked the question "Should we take this
9 threat seriously?" was there any other evidence or
10 information to corroborate what the alleged caller had
11 said?

12 A. You always have to take a threat of a heavily
13 armed angry shooter seriously, obviously.

14 Q. That wasn't what my question, Mr. Musk. My
15 question was was there any other information or evidence
16 that you had to corroborate what was stated in this
17 anonymous phone call?

18 MR. SPIRO: Him personally or Tesla's security?

19 MR. FISCHBACH: Him personally.

20 THE WITNESS: No. That's -- the information I
21 had was -- was a direct threat to the company.

22 BY MR. FISCHBACH:

23 Q. So the only information you had came from an
24 anonymous phone call when you made this statement to
25 Julia Wong at The Guardian; is that correct, sir?

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1 MR. SPIRO: The only -- objection to form.

2 THE WITNESS: We had received a -- what seemed,
3 to us, to be a credible threat to the safety and
4 well-being of the people at Tesla, yeah.

5 BY MR. FISCHBACH:

6 Q. All right. Sir, my question is other than this
7 anonymous phone call for which there was no recording,
8 when you made that statement to Julia Wong, did you have
9 any other independent evidence or information to
10 corroborate what that caller had said?

11 MR. SPIRO: Objection. Did you mean information
12 at that time, or other information they previously had
13 relating to Mr. Tripp being fired and any other issues
14 he had?

15 BY MR. FISCHBACH:

16 Q. Do you understand the question, Mr. Musk?

17 A. Well, now that you mention it, I believe I did
18 have a conversation with Nick Gicinto or one of Tesla's
19 security people about Marty Tripp. And he said
20 something about the -- Marty Tripp having several guns
21 and trying to sell a gun to another employee. This, I
22 think, adds some credibility to the threat.

23 BY MR. FISCHBACH:

24 Q. When did that conversation happen?

25 A. I'm not sure of the exact timing.

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1 He did try to sell the gun to --

2 MR. SPIRO: What?

3 THE WITNESS: Is that a --

4 BY MR. FISCHBACH:

5 Q. Do you know whether or not the call with
6 Mr. Gicinto was before or after you made that statement
7 to Ms. Wong?

8 A. I think it was probably before, but I'm not sure
9 of the exact timing. I mean, I talked to Nick Gicinto
10 quite frequently at the time.

11 Q. Did Mr. Tripp actually ever show up at the
12 Gigafactory and shoot anybody?

13 A. No.

14 Q. Was Mr. Tripp ever apprehended on his way to the
15 Gigafactory to shoot anybody?

16 A. No.

17 (Exhibit 12 was marked for identification.)

18 BY MR. FISCHBACH:

19 Q. Sir, the court reporter has handed you what has
20 been marked as --

21 THE REPORTER: 12.

22 BY MR. FISCHBACH:

23 Q. -- deposition Exhibit 12. I want to direct your
24 attention to Interrogatory Number 12, which is going to
25 be on page 7 of this document.

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1 And it states "Identify and explain all
2 information regarding the alleged threat known by Elon
3 Musk prior to his sending the email communication
4 referenced in Paragraph 54 of the counterclaim
5 including: when Mr. Musk first became aware of the
6 alleged threat, all persons with whom Mr. Musk discussed
7 the alleged threat on June 20, 2018, who provided
8 Mr. Musk with the information of which he was aware,
9 [and] what actions Mr. [took]" -- "[muster]" --
10 "Mr. Musk took to verify the information."

11 Now, if you could, sir, take a moment to
12 silently read to yourself Tesla's response to that on
13 the following page.

14 THE WITNESS: Sir, may I have a water or
15 something?

16 MR. SPIRO: Sure.

17 MR. FISCHBACH: Go ahead.

18 MR. SPIRO: Can you read back the question.

19 (The Reporter read the record as requested.)

20 MR. SPIRO: Then the question before that.

21 (The Reporter read the record as requested.)

22 MR. SPIRO: Sparkling okay?

23 THE WITNESS: Sure, yeah.

24 Yes, I see it.

25 ///

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1 BY MR. FISCHBACH:

2 Q. All right, sir. Did you have a chance to read
3 Tesla's response?

4 A. The whole response?

5 Q. Yeah. It's about a page and a half.

6 A. Yes, I read it.

7 Q. All right. Sir, there is no reference in that
8 response to Mr. Gicinto providing you any information
9 about Mr. Tripp having firearms, is there?

10 MR. SPIRO: Objection to form.

11 THE WITNESS: Not in this.

12 BY MR. FISCHBACH:

13 Q. Do you have any evidence that Mr. Tripp did
14 anything to make preparations to go back to the
15 Gigafactory and shoot people?

16 A. No.

17 Q. All the information came from that one anonymous
18 phone call; is that correct, sir?

19 MR. SPIRO: Objection to form, "all the
20 information."

21 BY MR. FISCHBACH:

22 Q. Let me clarify. All the information you had in
23 your possession when you made that email to Julia Wong
24 was based on that anonymous phone call on June 20th;
25 correct, sir?

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1 MR. SPIRO: Objection to form.

2 If he's asking you about just that moment, fine.

3 If he's asking you about everything you had learned
4 prior to the moment of the anonymous call regarding
5 Mr. Tripp or regarding Business Insider, that's a
6 different question.

7 If you understand which of the two he's asking,
8 you can answer it.

9 MR. FISCHBACH: Let me rephrase the question.

10 MR. SPIRO: Yeah. All right.

11 BY MR. FISCHBACH:

12 Q. All the information you had about an alleged
13 threat to shoot up the Gigafactory came from that
14 anonymous phone call; is that correct, sir?

15 A. Specifically about the threat to shoot up the
16 Gigafactory or however you want to call it, that -- that
17 was that call, yes. But you have to take these things
18 very seriously. It's when people don't take these
19 things seriously that they go awry. You can't be
20 cavalier about such things.

21 Q. And Mr. Tripp never actually bought a firearm to
22 the Gigafactory on June 20th, did he?

23 MR. SPIRO: If you know.

24 THE WITNESS: I don't know. He may have.

25 ///

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1 BY MR. FISCHBACH:

2 Q. Do you know whether or not Mr. Tripp ever fired
3 a weapon at the Gigafactory on June 20th?

4 A. That is unlikely.

5 Q. Do you know whether or not Mr. Musk -- or,
6 excuse me, Mr. Tripp ever set foot in the Gigafactory on
7 June 20th?

8 A. I don't.

9 Q. Are you aware that on June 20th Mr. Tripp was in
10 Reno being followed by private investigators hired by
11 Tesla?

12 MR. SPIRO: Objection to form.

13 THE WITNESS: I --

14 MR. SPIRO: If you learned anything -- if you
15 learned anything about any of this through counsel, you
16 can't answer the question.

17 MR. FISCHBACH: I disagree. It's just a yes or
18 no question. I'm not asking him for the contents of the
19 communication. I just want to know were you aware of
20 this fact, Mr. Musk.

21 MR. SPIRO: You can answer if you were aware of
22 the fact that Mr. Tripp was identified somewhere other
23 than -- near the factory, in other words.

24 Do you understand?

25 THE WITNESS: Sorry, on what -- on what date are

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1 If you can answer that question, you can answer
2 that question --

3 THE WITNESS: I mean, they said that --

4 MR. SPIRO: -- how people sometimes come to the
5 Gigafactory.

6 THE WITNESS: Okay. We have two highways: one
7 on north side, one on south side.

8 BY MR. FISCHBACH:

9 Q. All right. And approximately how far is it from
10 the Reno area, sir?

11 A. 15 -- 15 to 20 minutes.

12 Q. Why was it so important that you inform the
13 press about the alleged threat rather than your
14 communications team?

15 MR. SPIRO: Objection to form.

16 You can answer that.

17 THE WITNESS: Right. I mean, it's not that it
18 was so important that it be me or them, but since the --
19 given the timeliness of the email where the Guardian
20 reporter was clearly writing the story as though
21 Mr. Tripp was the wrong part -- the wronged party when
22 he was, in fact, not the wronged party.

23 And to the best of my information, he was at --
24 at risk of coming to Tesla and killing people. I
25 thought perhaps this is information that she should be

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1 aware of in writing this article that this -- this --
2 that, to the best of my knowledge, this person was armed
3 and dangerous and had already committed crimes against
4 the company. This -- pretty serious.

5 BY MR. FISCHBACH:

6 Q. I mean, your information or your communications
7 team was certainly capable of providing this information
8 to Ms. Wong; correct, sir?

9 A. Yes, of course.

10 MR. FISCHBACH: What are we on?

11 THE REPORTER: 13.

12 (Exhibit 13 was marked for identification.)

13 BY MR. FISCHBACH:

14 Q. Sir, the court reporter has handed you what has
15 been marked as deposition Exhibit 13. I want to draw
16 your attention to the second page. It's an email from
17 Shamara Bell to Jeff Jones on June 21st, the day after
18 the alleged threat.

19 A. Mm-hmm.

20 Q. Can you read the second page silently to
21 yourself, sir.

22 MR. SPIRO: He's not a recipient of this email.

23 MR. FISCHBACH: I know he's not, but this has to
24 do with the investigation into the alleged threat, and
25 it's within the scope of the deposition.

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1 Robert Smith.

2 She specifically says "I never said 'shoot the
3 place up' though. I ain't that ghetto. Sheeeeshh."

4 Did I read that correctly, sir?

5 A. Yes.

6 Q. Do you know why there's no recording of that
7 anonymous phone call, sir?

8 A. I don't.

9 Q. And by sending this information to Julia Wong,
10 it was your desire -- excuse me.

11 By sending this information to Julia Wong about
12 this alleged threat that he was going to come back and
13 shoot up the Gigafactory, you wanted Ms. Wong to publish
14 that in the media; correct, sir?

15 A. I thought this was important information if
16 she's going to be writing an article about Marty Tripp.

17 Q. So you wanted her to publish it; correct?

18 A. It was salient information, and I certainly, you
19 know, believed at the time that this -- that he
20 represented a very serious threat to the safety of the
21 company.

22 Q. Do you expect that she would publish this
23 information you gave to her?

24 A. I thought she -- she might publish it, yes.

25 MR. FISCHBACH: 15.

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1 MR. SPIRO: "Shoot the place up" not "shoot up
2 the place."

3 MR. FISCHBACH: Mr. Spiro, thank you, sir.
4 You're right. It says "shoot the place up." And since
5 we're -- our attention has been drawn to that exact
6 phrase, does that exact --

7 MR. SPIRO: You just misquoted it. That's why
8 I'm just --

9 MR. FISCHBACH: Thank you, sir, and I greatly
10 appreciate that.

11 BY MR. FISCHBACH:

12 Q. Does that exact phrase "shoot the place up"
13 appear in any of those communications from Shamara Bell
14 that we were looking at?

15 A. That was not how she described it.

16 Q. In fact, she specifically denied using words to
17 the effect of "shoot up the place" or "shoot the place
18 up"; isn't that right, sir?

19 A. In that text exchange, she does, yes. I mean,
20 she doesn't object to the substance of it, just the --
21 just the phrase itself.

22 Q. Have you ever talked to Shamara Bell?

23 A. No.

24 Q. Now, there's roughly 26 minutes between
25 Exhibit 17, the email from Sarah O'Brien to Julia Wong,

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1 please.

2 (Exhibit 19 was marked for identification.)

3 BY MR. FISCHBACH:

4 Q. Mr. Musk, the court reporter has handed you what
5 has been marked as deposition Exhibit 19. This is a
6 tweet from you dated July 5th of 2018. "Indeed, very
7 simple question. To be specific: @linette" -- or,
8 excuse me, "@lopezlinette, did you compensate or promise
9 to compensate Martin Tripp for inside information about
10 Tesla? Did he, under that inducement, provide you with
11 exaggerated negative info, which you printed but turned
12 out to be untrue?"

13 A. That is a correct reading.

14 Q. Now, this was after Tesla filed its lawsuit
15 against Mr. Tripp; correct?

16 A. There's no date on this but --

17 Q. Actually it's dated July 5th of 2018. And the
18 lawsuit was filed June 20th of 2018.

19 A. Okay; so, yes, it's after.

20 Q. Okay. Why did you feel the need to comment on
21 Mr. Tripp when there's active litigation by Tesla
22 against him?

23 MR. SPIRO: Objection to form.

24 THE WITNESS: I'm -- I'm not sure. I don't
25 know.

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1 BY MR. FISCHBACH:

2 Q. What was the message you wanted to send with
3 this tweet about Mr. Tripp?

4 A. Oh, actually I think the -- Nick -- Nick
5 Gicinto, one of the members of Tesla security, had told
6 me that there was some guy who was a friend of Tripp's
7 who said that Linette Lopez had offered him \$50,000 for,
8 you know, basically insider information on Tesla and
9 implied that Tripp had received similar payment.

10 (Exhibit 20 was marked for identification.)

11 BY MR. FISCHBACH:

12 Q. Sir, the court reporter has handed you what has
13 been marked as deposition Exhibit 20.

14 Sorry, I gave you the wrong one, Alex. That's
15 Gicinto. That's 20 right there.

16 MR. SPIRO: All right. Thanks.

17 MR. FISCHBACH: And you've got Mr. Gicinto;
18 correct, Mr. Musk?

19 MR. SPIRO: Can I just check?

20 MR. FISCHBACH: The deposition --

21 THE WITNESS: Yes, 20.

22 MR. FISCHBACH: Thank you.

23 BY MR. FISCHBACH:

24 Q. And, sir, I deposed Mr. Gicinto. And you'll see
25 on page 66 of the deposition, I highlighted a specific

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1 compensated or offered compensation from Linette Lopez?

2 A. This was from his friend, or claimed friend,
3 that Nick Gicinto told me about.

4 Q. Who was that?

5 A. I don't recall the name.

6 Q. And you didn't undertake any -- well, I
7 shouldn't say that.

8 Did you undertake any personal investigation to
9 determine whether or not Mr. Tripp had been compensated
10 or offered compensation from Linette Lopez?

11 A. No.

12 (Exhibit 21 was marked for identification.)

13 MR. FISCHBACH: 21?

14 THE REPORTER: Yes.

15 BY MR. FISCHBACH:

16 Q. Mr. Musk, the court reporter has handed you what
17 has been marked as deposition Exhibit 21.

18 A. Mm-hmm.

19 Q. It's there by your right hand, sir.

20 A. Yes.

21 Q. And this is you stating "Are you 100 percent
22 certain that @businessinsider stands by @lopezlinette
23 and supports everything she's done? Why won't Lopez go
24 on record saying that she never offered Tripp anything
25 for inside info or asked him to break his

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1 THE WITNESS: I have nothing to add.

2 BY MR. FISCHBACH:

3 Q. You were just pondering something? Is that what
4 you were doing, Mr. Musk?

5 MR. SPIRO: Objection. Form. Objection. Asked
6 and answered.

7 THE WITNESS: The judge said don't waste time.

8 BY MR. FISCHBACH:

9 Q. And the judge said answer my questions. So I'm
10 asking you, Mr. Musk, were you just posing a question?
11 Or did you intend to convey a message with this tweet?

12 MR. SPIRO: Objection. Asked and answered.

13 But you can answer the same answer that you've
14 already given if you'd like.

15 THE WITNESS: I answered the question.

16 (Exhibit 22 was marked for identification.)

17 MR. FISCHBACH: 22?

18 BY MR. FISCHBACH:

19 Q. Sir, the court reporter handed you what has been
20 marked as deposition Exhibit 22.

21 A. James Uelmen, yes.

22 Q. Sir, this is an email from Mr. Uelmen to you
23 June 20th, 2018. It says "Sir, I worked as a Quality
24 Tech in Stator as well as cooling tubes and a few other
25 departments. I was terminated last week (unfairly I

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1 believe). I was told someone called the 800 [number] on
2 me and that even though I had no history of offensive
3 behavior, that was enough to terminate me."

4 It goes on to state "All I want is my job back.
5 But while I was there, I did work closely with Martin
6 Tripp and he has reached out to me."

7 A. Right.

8 Q. What did you do in response to this email,
9 Mr. Musk?

10 A. I believe I asked Nick Gicinto to talk to him.

11 Q. All right. Do you know if Mr. Gicinto ever
12 talked to him?

13 A. Yes.

14 Q. All right. What -- what information did you
15 receive from Mr. Gicinto regarding Mr. -- is it
16 "Uelmen"?

17 A. I'm not sure how to pronounce his last name.

18 Q. All right. What information did you receive
19 from Mr. Gicinto?

20 MR. SPIRO: Is there a time period?

21 THE WITNESS: Yeah.

22 BY MR. FISCHBACH:

23 Q. Do you recall receiving any information from
24 Mr. Gicinto regarding Mr. Uelmen?

25 A. Yes. That -- Uelmen is -- is -- I think he

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1 claimed to Nick Gicinto that there was, like, this
2 \$50,000 payment for insider information from Linette
3 Lopez and, I believe, implied that Tripp had received
4 something to that effect.

5 MR. FISCHBACH: 23.

6 (Exhibit 23 was marked for identification.)

7 BY MR. FISCHBACH:

8 Q. Sir, the court reporter has handed you what has
9 been marked as deposition Exhibit 23. That's an
10 email --

11 MR. SPIRO: Do I get a copy of this?

12 MR. FISCHBACH: Where is the other one?

13 MR. SPIRO: I can just look at his if that's --

14 THE WITNESS: Yeah, that's fine.

15 MR. SPIRO: It's short. I don't care.

16 MR. FISCHBACH: Thank you.

17 MR. MITCHELL: Here it is.

18 MR. FISCHBACH: Oh, there it is. I'm sorry.

19 Here you go, Mr. Spiro.

20 MR. SPIRO: Yeah, thanks.

21 BY MR. FISCHBACH:

22 Q. It's originally an email from Mr. Uelmen to you.
23 "Sir, I worked with Marty Tripp. I was a Quality Tech
24 and I am being contacted by reporters because he gave
25 them my name. I need some advice. I was a loyal and

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1 hardworking employee. I believe in what you" --
2 "[you're] trying to do. I have a family and all I want
3 is to be a good father and husband. Please contact me."

4 And you responded with "What is the situation
5 with Marty? How can I help?"

6 Why did you respond personally to this email?
7 A. It's normal for me to respond to people at
8 Tesla. It's -- this was not unusual. So I am actually
9 generally quite reachable.

10 Q. Right. But, sir, at this point in time you've
11 got investigators, you've got lawyers, all of them
12 looking at Martin Tripp.

13 Why did you feel the need to personally respond
14 to this email?

15 MR. SPIRO: Objection to the form of the
16 question and the windup, if that's even -- if any of
17 that's even true.

18 But what -- what -- you can answer the question
19 of --

20 THE WITNESS: I mean, it's --

21 MR. SPIRO: -- why did you respond to this
22 email.

23 THE WITNESS: I -- I mean, this -- this
24 guy is -- said he had important information regarding
25 Tripp. So I replied "What is the situation with Marty?"

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1 How can I help?"

2 BY MR. FISCHBACH:

3 Q. What were you going to do to help Mr. Uelmen?

4 A. At no point did we offer him any compensation or
5 any quid pro quo.

6 Q. Well, that wasn't my question, sir. My question
7 was what were you going to do to help Mr. Uelmen?

8 MR. SPIRO: If you know.

9 THE WITNESS: I mean, this is just a simple
10 question, "How can I help?"

11 Q. Well, but what were you going to do to help him?

12 A. I -- you know, I need to know what is going on.
13 I don't know what I could do to help him.

14 Q. What kind of help were you willing to offer
15 Mr. Uelmen?

16 MR. SPIRO: If you can answer that question.

17 THE WITNESS: What do you mean?

18 BY MR. FISCHBACH:

19 Q. Sir, I -- it's your -- it's your email. What
20 kind of help were you willing to offer Mr. Uelmen when
21 you wrote this email?

22 MR. SPIRO: Again, I'm objecting to form. It's
23 incomprehensible.

24 If you can answer that question, you can answer
25 it.

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1 THE WITNESS: Yeah, the -- I mean, the
2 implication is that -- that there was some quid pro quo
3 offered here where if he provided information, then he
4 would be compensated in some way. And that did not
5 occur at any point.

6 BY MR. FISCHBACH:

7 Q. Did you ever talk with Mr. Uelmen?

8 A. I don't think I ever spoke to him.

9 MR. FISCHBACH: 24?

10 THE REPORTER: Yes.

11 (Exhibit 24 was marked for identification.)

12 BY MR. FISCHBACH:

13 Q. Sir, the court reporter has handed you what has
14 been marked as deposition Exhibit 24. This is an
15 email -- at least it appears to be an email that you'd
16 forwarded to somebody with the name Deth stayerr with
17 the title "They're not [that] smart." It includes some
18 communications between yourself and Bonnie Norman.

19 Who's Bonnie Norman?

20 A. Bonnie Norman has a -- she used to run or may
21 still run Tesla Motors Club. They're kind of a website
22 by Tesla users.

23 Q. Is she generally a pro-Tesla person, anti-Tesla
24 person?

25 A. I mean, she's mostly pro-Tesla. Not -- you

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1 know, she's -- yeah, that's a -- it is a
2 customer-focused web site. So she's not entirely
3 pro-Tesla, but she's mostly pro-Tesla.

4 Q. Well, is she a Tesla employee?

5 A. No.

6 Q. Is she compensated in any way by Tesla?

7 A. No, not that I'm aware of.

8 Q. Why were you communicating with her about
9 Mr. Tripp if she's the facilitator of this
10 consumer-oriented website?

11 A. I guess she sent me an email saying that there's
12 some connection between a short-seller and Marty Tripp.

13 Q. And so why did you -- so she sent you an email.
14 Why did you feel the need to respond to that email about
15 a connection between a short-seller and Mr. Tripp?

16 A. I mean, I've had many email correspondences with
17 Bonnie; so yeah. I mean, she's saying here that there
18 appears to be some connection between Chanos, Fossi, and
19 Tripp. And then my reply is "I wonder if Tripp was sent
20 to work with Tesla directly or indirectly by Chanos.
21 That would be pretty crazy."

22 Q. Who's Chanos?

23 A. He's a short-seller of Tesla who goes on the
24 media all the time saying Tesla is going to be worth
25 zero. Turns out that's not true.

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1 Q. What's the stock price today?

2 A. I don't know. Let's just say it didn't work out
3 well.

4 Q. When you're right, you're right, Mr. Musk.

5 A. Yeah.

6 Q. Why was --

7 A. Place your bets.

8 Q. Why was she -- why was she even investigating
9 whether or not there was a link between Mr. Tripp and
10 Mr. Chanos?

11 A. I don't know.

12 Q. Did you ask her to investigate that?

13 A. No.

14 Q. So then she just provided you unsolicited
15 information that there might be a link between Mr. Tripp
16 and Mr. Chanos?

17 A. I believe so.

18 Q. Why did you forward this conversation on to Deth
19 stayerr?

20 A. Do you mean [REDACTED]?

21 Q. Yeah.

22 A. Oh, I just thought this was just crazy that -- I
23 just thought it was like, wow, this is pretty wild
24 stuff; so yeah. I mean --

25 Q. Why did you feel the need to -- why did Deth

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1 stayerr need to know this information about Mr. Tripp
2 being allegedly connected with Mr. Chanos?

3 A. Well, I had had some conversations with Deth
4 stayerr about this, you see.

5 Q. Who is Deth stayerr?

6 A. The Deth stayerr legal name is Claire Boucher.

7 Q. And who is that?

8 A. That is my girlfriend.

9 Q. By the way, congratulations, Mr. Musk.

10 A. Oh, thank you, I think.

11 (Exhibit 25 was marked for identification.)

12 MR. FISCHBACH: That's 25; right?

13 THE REPORTER: Yes.

14 BY MR. FISCHBACH:

15 Q. Before we go on to Exhibit 25, sir -- I mean,
16 other than this speculation from Ms. Norman, did you
17 ever have any evidence that Mr. Tripp was in fact
18 working with Mr. Chanos?

19 A. There was -- I think -- I think Uelmen conveyed
20 to Gicinto that there was some connection, yeah.

21 Q. Did your investigation of Mr. Tripp uncover any
22 connection between him and Mr. Chanos -- strike that.

23 Did Tesla's investigation of Mr. Tripp uncover
24 any connection between him and Mr. Chanos?

25 A. There were -- there were a lot of coincidences,

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1 but there was not an -- there was no -- there was no
2 hard evidence, but a lot of strange coincidences.

3 Linette Lopez just constantly posts about Chanos
4 and how they're best friends and then -- and then writes
5 articles that are in his -- in his interests.

6 Q. Sir, the court reporter has handed you what has
7 been marked as deposition Exhibit 25. This is an email
8 from yourself, again, forwarded in -- forwarding an
9 email from yourself to C* titled "Fwd: gigaman nv."

10 I see Todd -- is it "Maron"? Is that how it's
11 pronounced?

12 A. Yes.

13 Q. He was Tesla's general counsel at the time?

14 A. Yeah.

15 Q. He's copied on these emails; correct?

16 A. Yes.

17 Q. Why is Todd Maron copied on your emails to
18 Bonnie Norman?

19 A. Because it would obviously be a serious concern
20 if Tripp had been sent to work at Tesla by a
21 short-seller to provide them with insider information
22 and if he had exaggerated negative info to journalists
23 from a position of credibility on the inside.

24 Q. Did Tesla's investigation of Mr. Tripp ever
25 uncover any evidence that Mr. Tripp had been sent to

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1 work for Tesla by a short-seller or to provide -- inside
2 information?

3 A. It sure seemed that way, but we couldn't -- we
4 couldn't ever find any hard evidence. It sure seemed
5 odd that somebody would be this energized to provide
6 negative information to the press. Unless they're paid
7 for it, why are they doing it? Maybe you know.

8 Q. It appears that Bonnie Norman is receiving
9 information from others that aren't really identified in
10 this email.

11 Do you know who was providing Bonnie Norman
12 information about Mr. Tripp?

13 A. No.

14 Q. Do you know how she vets these people that are
15 providing this information?

16 A. No.

17 Q. How would you know if -- whether or not their
18 agenda aligned with Tesla's agenda if you don't know how
19 they're vetted?

20 MR. SPIRO: Objection. Form.

21 If you can understand that question. You can
22 answer it, if you can understand it.

23 THE WITNESS: I don't understand the question.

24 BY MR. FISCHBACH:

25 Q. All right. If you don't know how --

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1 A. It's not an understandable question, I think, is
2 the problem.

3 Q. That's a fair -- fair response, Mr. Musk. I'll
4 try to rephrase it.

5 If you don't know how Bonnie Norman is vetting
6 these people that are giving her information, how do you
7 know whether or not their agenda aligns with Tesla's
8 agenda?

9 A. I don't.

10 Q. Why use Bonnie Norman to investigate Mr. Tripp
11 when you have attorneys and private investigators and
12 inhouse investigators?

13 MR. SPIRO: Objection. Assumes facts.

14 But you can answer the actual question.

15 THE WITNESS: I mean, it's just sort of typical
16 legal complex question where you can't answer the
17 question without giving some credence to the initial
18 part of the question or the latter part of the question.
19 This is, like, Law 101 BS.

20 BY MR. FISCHBACH:

21 Q. Well, let me -- let me break it down for you,
22 Mr. Musk.

23 A. Yeah.

24 Q. This is an email sent July 22nd of 2018;
25 correct, sir?

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1 A. Yes.

2 Q. And the suit was filed on June 20th of 2018;
3 correct?

4 A. Sure.

5 Q. And even before the lawsuit was filed and after
6 the lawsuit was filed, Mr. Gicinto and Mr. Nocon and
7 their team were investigating Mr. Tripp; correct, sir?

8 A. Yeah. I -- yes, I think so.

9 Q. So, again, sir, my question is if you've got
10 attorneys --

11 A. Yeah.

12 Q. -- if you've got investigators, why do you need
13 Bonnie Norman to be investigating Mr. Tripp?

14 A. I'm not asking Bonnie Norman to investigate
15 Tripp. She's doing it. It's up to her. Free country.

16 Q. You don't think you're encouraging her, by
17 responding to these emails, to continue with her
18 investigation?

19 MR. SPIRO: Objection to form.

20 If the question is, you know, were you
21 encouraging her, that would be a proper question. You
22 can answer that question.

23 THE WITNESS: I mean, I would certainly be --
24 welcome any information that was relevant to the
25 situation.

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1 BY MR. FISCHBACH:

2 Q. Why did you forward this email on to C*?

3 A. AKA Deth stayerr.

4 Q. Oh, is that also Deth stayerr?

5 A. Yes.

6 Q. Okay. Thank you.

7 But the question still stands, sir. Why did you
8 feel the need to send this email to your girlfriend?

9 A. I was discussing the case with her and -- and --
10 yeah. Just sort of -- I was just outraged by the
11 situation.

12 Q. So your girlfriend is somebody that you have had
13 discussions with regarding Martin Tripp?

14 A. Yes.

15 Q. What kind of discussions?

16 A. Well, I just said that there was -- outrageous
17 that this guy was, you know, breaking his
18 confidentiality agreements and sending false information
19 to the media and he appeared to be working with
20 short-sellers.

21 Q. Was this gigaman nv account ever linked to
22 Mr. Tripp?

23 A. I don't know.

24 MR. FISCHBACH: 26?

25 THE REPORTER: Yes.

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7 MR. SPIRO: So you can't answer the question.

8 THE WITNESS: Yeah, so they're full of it.

9 BY MR. FISCHBACH:

10 Q. Excuse me, what was that?

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

19 Q. Anything else, Mr. Musk?

20 A. Not at this time.

21 Q. When you sent this email, did you want to see
22 Mr. Tripp punished in the criminal justice system for
23 what he had done?

24 A. Certainly [REDACTED]

[REDACTED]

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Q. And, sir, I'm not referring to the fact that maybe you or people working for you are -- are still monitoring Mr. Tripp. I'm referring to this email which is a statement by you about a meeting having occurred between Tesla legal and the Nevada -- Nevada Attorney General's Office.

And my question for you is did you want to see Mr. Tripp punished in the criminal justice system for what he had done at Tesla?

A. Yes. I thought he had committed a crime and deserved to pay the appropriate penalty.

Q. Did a prosecution move forward?

A. No.

Q. You don't know?

A. I -- they -- they did not move forward.

Q. Why didn't they move forward if the facts were unequivocal?

A. I -- I still think this is a major issue with the attorney -- the Attorney General's Office of Nevada should have moved forward.

23 Q. Are you aware that your counsel, your former
24 counsel of record, John Hueston, gave a PowerPoint
25 presentation to members of both the Nevada Attorney

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1 General's office and FBI agents advocating for a
2 criminal prosecution of Mr. Tripp?

3 A. I don't know that -- about a PowerPoint
4 presentation, but I -- I know he talked to them.

5 Q. Were you present at that meeting?

6 A. No.

7 Q. Let's go to the first page of that exhibit, sir,
8 Exhibit 26.

9 A. Yes.

10 Q. You wrote at the bottom "Don't they have
11 anything" -- or, excuse me, "Don't they have something
12 else to write about? It is so tiresome to see myself in
13 the news," exclamation point.

14 Do you see that?

15 MR. SPIRO: Objection. This is outside the
16 scope.

17 MR. FISCHBACH: No. It's --

18 MR. SPIRO: You don't have to answer that.

19 MR. FISCHBACH: It's a communication from
20 Mr. Musk. It's an email from Mr. Musk.

21 MR. SPIRO: Yeah. But it's outside the scope of
22 the -- of the rules of your deposition.

23 MR. FISCHBACH: Well, I'm glad you mentioned
24 that because --

25 Mark that. Mark that.

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1 A. Yes.

2 Q. All right. Second bullet point is "Any written
3 or email communications disclosed by Tesla to or from
4 Elon Musk."

5 Did I read that right?

6 A. Yes.

7 Q. All right. And I will avow to you, sir, that
8 this was in fact Exhibit K to our motion to compel your
9 deposition that's referenced in the court's order here
10 at Exhibit 28. And it says "The Court will allow Elon
11 Musk to be deposed on items 1, 2, 3, and 5 as outlined
12 in Exhibit K [to] the motion to compel."

13 So subject to any written or email
14 communications disclosed by Tesla to or from email -- to
15 or from Elon Musk, Exhibit 26 is in that category, is it
16 not, Mr. Spiro?

17 MR. SPIRO: My objection's noted. You can ask
18 the question.

19 BY MR. FISCHBACH:

20 Q. So, sir, you wrote in here "Don't they have
21 something else to write about? It is so tiresome to see
22 myself in the news," exclamation point.

23 Did I read that correctly, sir?

24 A. Yes.

25 Q. And above that, you wrote "Will tweet as I wish

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1 and suffer the consequences. So it goes."

2 Did I read that correctly, sir?

3 A. Yes.

4 Q. Do you see any conflict between those two
5 statements, it's tiresome to see yourself in the news
6 but you'll tweet as you wish and suffer the
7 consequences?

8 MR. SPIRO: Objection to form. It's not a
9 permissible legal question.

10 But you can answer if you can understand it.

11 THE WITNESS: I can't understand it.

12 BY MR. FISCHBACH:

13 Q. I said do you see any conflict between those two
14 statements.

15 MR. SPIRO: Same objection.

16 THE WITNESS: Same response.

17 BY MR. FISCHBACH:

18 Q. You don't understand the question?

19 A. No.

20 Q. Did I read the two statements correctly?

21 A. Did you -- can you read?

22 Q. I said did I read the two statements correctly,
23 Mr. Musk.

24 A. I think you spoke the words from the email.

25 Q. Do you know the two statements I'm referring to?

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1 A. Yes.

2 Q. All right. So do you see any conflict between
3 those two statements?

4 MR. SPIRO: Objection to form.

5 THE WITNESS: So --

6 MR. SPIRO: You can -- if you can understand the
7 question, you can ask. If you can't, you don't have
8 to --

9 THE WITNESS: Yeah. Unfortunately I cannot
10 understand it.

11 BY MR. FISCHBACH:

12 Q. What did you mean when you said "Will tweet as I
13 wish and suffer the consequences"?

14 A. Well, I think I meant that I will tweet as I
15 wish -- you know, First Amendment -- and suffer the
16 consequences.

17 Q. Nothing more than that?

18 A. I don't think there's a deep and hidden meaning
19 between -- behind the simple statement.

20 Q. Is that -- is that a general attitude towards
21 your statements on Twitter, or was it more specific?

22 MR. SPIRO: Well, objection to that question as
23 being outside the scope of the deposition.

24 MR. FISCHBACH: I'm asking him what the
25 statement meant.

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1 MR. SPIRO: And he's already answered you. It
2 meant what the words said.

3 Do you have anything further to add?

4 THE WITNESS: No.

5 Well, I did delete my Instagram because it's
6 weak sauce.

7 MR. SPIRO: Thank you for adding that for the
8 record.

9 BY MR. FISCHBACH:

10 Q. Is it still deleted, Mr. Musk?

11 A. It's hard deleted, unrecoverable.

12 Q. Well, this was -- this email was dated
13 August 21st of 2018. Before you deleted that Instagram
14 account, did you use it to message anybody about
15 Mr. Tripp?

16 A. No.

17 Q. Other than erm@tesla.com, what other email
18 accounts have you used to communicate with others
19 regarding Martin trip?

20 A. I mean, I think some of the emails had
21 erm@spacex.com. I don't think anything else.

22 Q. So other than erm@tesla.com and erm@spacex.com,
23 what other emails have you used to communicate with
24 others regarding Martin Tripp?

25 A. I don't think I've used any other emails.

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1 Q. If one of the other senior offers at Tesla had
2 come to you with that and said, "Let's not waste time
3 our time and money on Martin Tripp by suing him," would
4 you have listened?

5 A. I would have taken that into account.

6 Q. Would you have listened to the advice -- strike
7 that.

8 Would you have followed the advice?

9 MR. SPIRO: Objection to form as to all these
10 questions.

11 You can answer if you can.

12 THE WITNESS: I certainly listen to people's
13 opinion, and then I may agree or disagree with that
14 opinion.

15 BY MR. FISCHBACH:

16 Q. Sitting here today, knowing what you know, do
17 you think any of the statements that are the subject of
18 Mr. Tripp's counterclaims are in fact false?

19 MR. SPIRO: Objection to form.

20 But you can answer.

21 THE WITNESS: Pardon? Could you say that again.

22 MR. FISCHBACH: Read the question back to the
23 witness, please.

24 (The Reporter read the record as requested.)

25 MR. SPIRO: Same objection.

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1 Try to answer it.

2 THE WITNESS: I -- I don't -- wait. Do I
3 believe that -- any of Tripp's counterclaims are what?
4 What are you talking about?

5 BY MR. FISCHBACH:

6 Q. Well, sir, a counterclaim --

7 A. Do you want say what these things are?

8 Q. Certainly, Mr. Musk. The counterclaim are based
9 on statements made by you about Mr. Tripp, statements
10 made in that June 17th email that you sent to everyone
11 at Tesla, statements that you made to Julia Wong on
12 June 20th to Julia Wong, and then statements you made on
13 Twitter insinuating that Mr. Tripp had been compensated
14 or promised compensation from Linette Lopez.

15 Sitting here today, knowing what you know, do
16 you think any of those statements are false?

17 MR. SPIRO: Objection to form.

18 Answer the question if you can answer the
19 question.

20 THE WITNESS: Can you just be specific about
21 what statements you're referring to.

22 BY MR. FISCHBACH:

23 Q. I just told you, Mr. Musk. Do you need me to
24 tell you again?

25 MR. SPIRO: So the tweets to Linette Lopez.

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1 THE WITNESS: Okay.

2 MR. SPIRO: The questions.

3 THE WITNESS: Do I think the tweets were false?
4 The -- I -- where I asked the questions?

5 BY MR. FISCHBACH:

6 Q. Sir, I'm asking you, sitting here today --

7 A. Yeah.

8 Q. -- knowing what you know, do you think any of
9 those three statements that I just referenced are in
10 fact false?

11 A. Please state the statements --

12 Q. All right.

13 A. -- one at a time, and I'll say yes or no.

14 Q. Statement number one --

15 A. Yes.

16 Q. -- June 17th email stating that Mr. Tripp had
17 caused extensive and damaging sabotage to Tesla's
18 operations.

19 Sitting here today, knowing what you know, do
20 you think that statement's false?

21 A. No. I think he did do it.

22 Q. All right. Sitting here today, the statement on
23 June 20th to Julia Wong stating that you had just -- or
24 the -- Tesla had just received a call at the Gigafactory
25 that Martin Tripp was going to come back and shoot the

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1 place up, do you think that statement was false?

2 A. No. I think that's true.

3 Q. All right.

4 A. What? Of course.

5 Q. Sitting here today, the tweet you made on
6 July 5th insinuating that Mr. Tripp had been compensated
7 or promised compensation from Linette Lopez -- do you
8 think, sitting here today, knowing what you know, that
9 statement's false?

10 A. That's -- that's -- again, you're engaging in
11 legal trickery. I asked a question. That's not the
12 same as making a statement.

13 Q. Do you wish to retract any of the statements
14 regarding Mr. Tripp that are the subject of his
15 counterclaims?

16 A. No.

17 Q. Do you wish to apologize to Mr. Tripp for
18 anything?

19 A. I certainly do not.

20 Q. Have you read Mr. Tripp's deposition in this
21 case?

22 A. No.

23 Q. Did you watch the video of Mr. Tripp's
24 deposition?

25 A. No.

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1 Q. Are you aware that during his deposition Tesla's
2 counsel asked if he had been ever diagnosed with any
3 kind of psychological condition?

4 A. No.

5 Q. Okay. Based on Tesla's investigation of
6 Mr. Tripp, do you think he has any kind of psychological
7 condition?

8 MR. SPIRO: Objection. If you --

9 THE WITNESS: You're asking my opinion? I think
10 he's a -- mad and bad.

11 BY MR. FISCHBACH:

12 Q. Is that a psychological condition?

13 A. Yes.

14 Q. All right. Can I find -- can I find that in the
15 DSM-5?

16 A. Well, you may know it better than I do.

17 Q. Are you aware that your attorney also asked
18 Mr. Tripp during his deposition whether or not he had
19 ever been diagnosed as a, quote, "narcissistic
20 sociopath"?

21 A. No, I didn't know that. But it sounds like --
22 sounds true.

23 Q. Do you think Martin Tripp's a narcissistic
24 sociopath?

25 A. I think -- I think the word "narcissist" and

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1 "sociopath" are abused. Do I think that it partly
2 applies to him? Sure.

3 Q. Do you have some kind of unique ability to
4 identify narcissistic sociopaths?

5 A. You mean by looking in the mirror?

6 Q. That wasn't my question, sir.

7 Do you have some kind of unique -- do you have
8 some kind of unique ability to identify narcissistic
9 sociopaths?

10 A. I mean, I think I have above average insight to
11 people's personalities.

12 Q. And, sir, since you've brought it up, do you
13 think you're a narcissistic sociopath?

14 A. No.

15 Q. All right. Then why did you say "by looking in
16 the mirror"?

17 A. I was making a joke.

18 Q. All right.

19 A. You obviously didn't get it.

20 Q. Are we here to joke, Mr. Musk, or are we here to
21 talk about the truth?

22 A. We're here to talk about the truth.

23 Q. Are you aware that during Mr. Tripp's deposition
24 Tesla's counsel asked him if he had had an extramarital
25 affair?

CONFIDENTIAL - Elon Musk - 2/21/2020

Page 126

1 BY MR. FISCHBACH:

2 Q. Sir, the court reporter has handed you what has
3 been marked as deposition Exhibit 31. This is
4 Mr. Tripp's answer and counterclaim.

5 Did you ever review the counterclaim by
6 Mr. Tripp?

7 A. No.

8 Q. Have you ever read it?

9 A. I have not.

10 Q. Did you ever take the time to look as to whether
11 or not some of the allegations in his counterclaim are
12 in fact true?

13 A. I -- no.

14 Q. Why not?

15 A. Because I -- I -- he -- he is just a huge liar
16 and a criminal in my opinion.

17 Q. All right. Was it not important to you to
18 determine whether or not there was any veracity to the
19 allegations in the counterclaim?

20 MR. SPIRO: You can respond to that other than
21 revealing conversations you've had with counsel
22 obviously; so --

23 THE WITNESS: Yeah. We have to -- I mean, I've
24 certainly discussed this case with counsel. But yeah, I
25 mean, it -- this is -- this is obviously just -- or, in

CONFIDENTIAL - Elon Musk - 2/21/2020

Page 128

1 Q. Anything else? Do you have any other insults
2 you want to say to me during this deposition, Mr. Musk?

3 A. Do you have any insults you want to say to me?

4 Q. No. I don't answer your questions, Mr. Musk.
5 You answer mine.

6 My question was do you have any other insults
7 you'd like to state to me during this deposition?

8 MR. SPIRO: It's -- it sound like -- it sounded
9 like no; so let's move on to another question about the
10 Tripp case. It's, you know, limited categories for this
11 deposition.

12 MR. FISCHBACH: Mr. Spiro, do you have any
13 questions?

14 MR. SPIRO: I don't.

15 MR. FISCHBACH: Mr. Musk, thank you for being
16 here today, sir. So it goes. Be well.

17 THE VIDEOGRAPHER: This concludes today's
18 deposition of Elon Musk. A total of two media was used.
19 We're going off record. Time is 3:32 P.M. Thank you.

20 (Deposition concluded at 3:32 P.M.)
21
22
23
24
25

From: Elon Musk
Sent: Monday, June 18, 2018 9:36 AM
To: Everybody
Subject: Re: Some concerning news

Late last night we had another strange incident that was hard to explain. Small fire on the body-in-white production line. No one was in the area and there were no injuries or significant equipment damage, but it was enough to stop the body production line for several hours.

Could just be a random event, but as Andy Grove said, "Only the paranoid survive." Please be on the alert for anything that's not in the best interests of our company. If you aren't getting a response from the emdesk email, please send me a note directly.

Thanks,
 Elon

> On Jun 17, 2018, at 11:55 PM, Elon Musk <erm@tesla.com> wrote:

>
 > I was dismayed to learn this weekend about a Tesla employee who had conducted quite extensive and damaging sabotage to our operations. This included making direct code changes to the Tesla Manufacturing Operating System under false usernames and exporting large amounts of highly sensitive Tesla data to unknown third parties.
 >
 > The full extent of his actions are not yet clear, but what he has admitted to so far is pretty bad. His stated motivation is that he wanted a promotion that he did not receive. In light of these actions, not promoting him was definitely the right move.
 >
 > However, there may be considerably more to this situation than meets the eye, so the investigation will continue in depth this week. We need to figure out if he was acting alone or with others at Tesla and if he was working with any outside organizations.
 >
 > As you know, there are a long list of organizations that want Tesla to die. These include Wall Street short-sellers, who have already lost billions of dollars and stand to lose a lot more. Then there are the oil & gas companies, the wealthiest industry in the world — they don't love the idea of Tesla advancing the progress of solar power & electric cars. Don't want to blow your mind, but rumor has it that those companies are sometimes not super nice. Then there are the multitude of big gas/diesel car company competitors. If they're willing to cheat so much about emissions, maybe they're willing to cheat in other ways?
 >
 > Most of the time, when there is theft of goods, leaking of confidential information, dereliction of duty or outright sabotage, the reason really is something simple like wanting to get back at someone within the company or at the company as a whole. Occasionally, it is much more serious.
 >
 > Please be extremely vigilant, particularly over the next few weeks as we ramp up the production rate to 5k/week. This is when outside forces have the strongest motivation to stop us.
 >
 > If you know of, see or suspect anything suspicious, please send a note to emdesk@tesla.com with as much info as possible. This can be done in your name, which will be kept confidential, or completely anonymously.
 >



- > Looking forward to having a great week with you as we charge up the super exciting ramp to 5000 Model 3 cars per week!
- >
- > Will follow this up with emails every few days describing the progress and challenges of the Model 3 ramp.
- >
- > Thanks for working so hard to make Tesla successful, Elon

----- Original message -----

From: Elon Musk
Date: 6/20/18 5:17 PM (GMT-08:00)
To: Todd Maron, Sarah O'Brien
Cc: EMDesk
Subject: Re: Termination Lawsuit

Meant to say "no injuries"

On Jun 20, 2018, at 5:16 PM, Elon Musk wrote:

Begin forwarded message:

From: Elon Musk
Date: June 20, 2018 at 10:28:06 AM PDT
To: Marty Tripp

Subject: Re: Termination Lawsuit

There are literally injuries with Model 3. It is by far the safest car in the world for any midsize vehicle. And of course a company with billions of dollars in product is going to have millions of dollars in scrap. This is not news.

However, betraying your word of honor, breaking the deal you had when Tesla gave you a job and framing your colleagues are wrong and some come with legal penalties. So it goes. Be well.

On Jun 20, 2018, at 10:03 AM, Marty Tripp wrote:

I NEVER 'framed' anyone else or even insinuated anyone else as being involved in my production of documents of your MILLIONS OF DOLLARS OF WASTE, Safety concerns, lying to investors/the WORLD.

Putting cars on the road with safety issues is being a horrible human being!

On Jun 20, 2018, at 10:00 AM, Elon Musk wrote:

You should ashamed of yourself for framing other people. You're a horrible human being.

On Jun 20, 2018, at 9:59 AM, Marty Tripp wrote:

I never made a threat. I simply told you that you have what's coming.

Thank you for this gift!!!!

On Jun 20, 2018, at 9:42 AM, Elon Musk wrote:

Threatening me only makes it worse for you

From: Marty Tripp
Date: June 20, 2018 at 8:57:29 AM PDT
To: Elon Musk
Subject: Termination/Lawsuit

Don't worry, you have what's coming to you for the lies you have told to the public and investors.



From: Elon Musk
Sent: Wednesday, June 20, 2018 5:29 PM
To: Julia Wong
Cc: Dave Arnold;Press;Sarah O'Brien
Subject: Re: Query re: Martin Tripp and your emails

Tripp sent me a threatening email this morning. Below is the exchange. I was just told that we received a call at the Gigafactory that he was going to come back and shoot people. The police have been alerted and we have posted additional security. Our comms team can fill you in.

----- Original message -----

From: Elon Musk <erm@tesla.com>
Date: 6/20/18 5:17 PM (GMT-08:00)
To: Todd Maron <todd@tesla.com>, Sarah O'Brien <sobrien@tesla.com>
Cc: EMDesk <emdesk@tesla.com>
Subject: Re: Termination/Lawsuit

Meant to say "no injuries"

On Jun 20, 2018, at 5:16 PM, Elon Musk <erm@tesla.com> wrote:

Begin forwarded message:

From: Elon Musk <erm@tesla.com>
Date: June 20, 2018 at 10:28:06 AM PDT
To: Marty Tripp <martytripp@icloud.com>
Subject: **Re: Termination/Lawsuit**

There are literally injuries with Model 3. It is by far the safest car in the world for any midsize vehicle. And of course a company with billions of dollars in product is going to have millions of dollars in scrap. This is not news.

However, betraying your word of honor, breaking the deal you had when Tesla gave you a job and framing your colleagues are wrong and some come with legal penalties. So it goes. Be well.



On Jun 20, 2018, at 10:03 AM, Marty Tripp
<martytripp@icloud.com> wrote:

I NEVER 'framed' anyone else or even insinuated anyone else as being involved in my production of documents of your MILLIONS OF DOLLARS OF WASTE, Safety concerns, lying to investors/the WORLD.

Putting cars on the road with safety issues is being a horrible human being!

On Jun 20, 2018, at 10:00 AM, Elon Musk <erm@tesla.com> wrote:

You should ashamed of yourself for framing other people. You're a horrible human being.

On Jun 20, 2018, at 9:59 AM, Marty Tripp
<martytripp@icloud.com> wrote:

I never made a threat. I simply told you that you have what's coming.

Thank you for this
gift!!!!

On Jun
20,
2018,
at 9:42
AM,
Elon
Musk
<erm@tesla.com>
wrote:

Threat
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On Jun 20, 2018, at 4:38 PM, Julia Wong <julia.wong@theguardian.com> wrote:

Hi Elon,

The Guardian is planning to publish an article shortly about Tesla's lawsuit against Martin Tripp. Tripp has acknowledged to the Guardian that he was a source for a Business Insider reporter, but denies any implication that he was a saboteur, or that he hacked Tesla's MOS. Instead, Tripp claims that he went to the media after making numerous attempts to raise concerns about excess NCM, scrap, and other issues like punctured batteries, and being ignored.

Do you or Tesla want to comment on Tripp's claim that he was acting as a whistleblower?

And do you want to add any comment to the emails you sent to Tripp's personal account today, calling him a "horrible human being", among other things. Why did you decide to email Tripp after you had already fired and sued him?

Feel free to give me a call at 646-935-9101 if you'd like to discuss anything by phone.

Thanks,

Julia

--

Julia Carrie Wong

Reporter

Guardian News & Media

Phone/Signal/WhatsApp: 646-935-9101

Email: julia.wong@theguardian.com

twitter: [@juliacarriew](https://twitter.com/juliacarriew)

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1111 Broadway

Oakland, CA 94607

theguardian.com

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From: Shamara Bell </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=59AC3167AFA5424A91250C74438C2292-SHAMARA BEL>
To: Kristin Krerowicz
Sent: 6/20/2018 1:50:33 PM
Subject: Martin Tripp: Possible Threat

Received a call

Caller preferred to remain unknown. Friend of Martin Tripp is concerned that he may do something violent & volatile. Says he is concerned because he's very hostile & very well armed.

Shamara Bell | Solar Technical Support

6671 S. Las Vegas Blvd. Ste 300, Las Vegas, NV 89119

p. (877) 961-7652 | SolarSupport@tesla.com

T E S L A

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 Telephone: (213) 788-4340
 Facsimile: (888) 775-0898

Attorneys for Plaintiff/Counter-Defendant
 Tesla, Inc.

UNITED STATES DISTRICT COURT**DISTRICT OF NEVADA**

TESLA, INC., a Delaware corporation,

Plaintiff,

vs.

MARTIN TRIPP, an individual,

Defendant.

Case No. 3:18-cv-00296-LRH-CBC

**PLAINTIFF AND COUNTER-DEFENDANT
 TESLA, INC.'S AMENDED RESPONSES
 AND OBJECTIONS TO DEFENDANT AND
 COUNTER-CLAIMANT MARTIN TRIPP'S
 SECOND SET OF INTERROGATORIES**

AND RELATED COUNTERCLAIMS

PROPOUNDING PARTY:

Defendant/Counter-Claimant Martin Tripp

RESPONDING PARTY:

Plaintiff/Counter-Defendant Tesla, Inc.

SET NO.:

Two (Nos. 9-25)

EXHIBIT 12

Musk

2/21/2020

Reported by: Michael P. Hensley
 CSR 14114, RDR

TESLA, INC.'S AMENDED RESPONSES AND OBJECTIONS TO INTERROGATORIES, SET TWO

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19 **INTERROGATORY NO. 12:**

20 Identify and explain All information regarding the Alleged Threat known by Elon Musk
21 prior to his sending the e-mail communication referenced in Paragraph 54 of the Counterclaim,
22 including:

- 23 • When Mr. Musk first became aware of the Alleged Threat
- 24 • All persons with whom Mr. Musk discussed the Alleged Threat on June 20, 2018
- 25 • Who provided Mr. Musk with the information of which he was aware
- 26 • What actions Mr. Musk took to verify the information

27

28

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AMENDED RESPONSE TO INTERROGATORY NO. 12:

In addition to its general objections, which are incorporated herein by reference, Tesla objects to this Interrogatory as overbroad, unduly burdensome, and not proportional to the needs of the case in that it asks Tesla to “[i]dentify and explain All information regarding the Alleged Threat known by Elon Musk” regarding the threat to the Gigafactory on June 20, 2018. Tesla objects to this Request as argumentative, particularly as to the use of the term “Alleged Threat.” Tesla further objects to this Interrogatory to the extent that it calls for information protected by the attorney-client privilege, work product doctrine, and all other applicable privileges, protections, or immunities. Such information will not be provided in response.

Subject to and without waiving the foregoing general and specific objections, Tesla responds to this Interrogatory as follows:

On June 20, 2018, Shamara Bell, an operator at Tesla’s Las Vegas call center, received a phone call from someone who stated that he was a very close friend of Tripp. The caller told Ms. Bell that he feared for the safety of employees at the Gigafactory because Tripp was extremely volatile, very well heavily armed, extremely upset, and very hostile. The caller sounded genuinely concerned and afraid that Tripp would do something violent and volatile. Ms. Bell asked the caller to provide his name and contact information. The caller declined, stating that he wanted to remain anonymous. *See* TES-TRIPP_0000970; TES-TRIPP_0003390. Ms. Bell reported the call to her supervisors (including Angel Besinaiz and Kristin Krerowicz) who notified members of Tesla’s security team (including Jeff Jones, Avery Bustamante, and Marshall Sprott). *See, e.g.*, TES-TRIPP_0003386-88. Tesla security immediately alerted the Storey County Sheriff’s Office and mobilized additional security personnel to the Gigafactory.

Tesla security also reached out to personnel at the Las Vegas call center to obtain more information about the call. Mr. Bustamante spoke with Ms. Bell, who confirmed that the caller identified Tripp as the source of the threat and the Gigafactory as the target. Mr. Bustamante spoke to Ms. Bell a second time, asking Ms. Bell to send an email to Mr. Jones recapping the call that she received. *See* TES-TRIPP-0016596-97. Tesla security also informed Sarah O’Brien, Tesla’s former Vice President of Communications, that security received an alert from the Las Vegas call

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center about a threat to the Gigafactory. Thereafter, Ms. O'Brien spoke to Mr. Besinaiz, who confirmed that the call center received the call described above. On June 21, 2018, Ms. O'Brien spoke to Ms. Bell and **Ashley Ferrigno, Ms. Bell's and Mr. Besinaiz's supervisor**. Ms. Bell confirmed that she answered a call on June 20, 2018 from an anonymous caller who identified himself as a friend of Tripp. Ms. Bell further confirmed that the caller stated that he feared for the safety of employees at the Gigafactory because Tripp was extremely upset, extremely volatile, and heavily armed.

Mr. Musk was initially informed of the threat to the Gigafactory on June 20, 2018, likely by Sam Teller, Director, Office of the CEO. Mr. Musk was informed that Tesla received a call that Tripp was going to come in and shoot people at the Gigafactory. Mr. Musk was further informed that Tesla security alerted the police and posted additional security personnel at the Gigafactory. Mr. Musk also discussed the Gigafactory threat with Mr. Jones, Ms. O'Brien, and Dave Arnold, Tesla's Senior Director of Global Communications. Mr. Musk relied on Tesla's security and communications teams to obtain information concerning the threat to the Gigafactory.

INTERROGATORY NO. 13:

Identify and explain All information known by Elon Musk regarding the contents of the e-mail communication referenced in Paragraph 47 of the Counterclaim before sending said e-mail communication, including:

- When Mr. Musk first became aware of the "sabotage" alleged therein
- Who provided Mr. Musk with the information of which he was aware
- What actions Mr. Musk took to verify the information

RESPONSE TO INTERROGATORY NO. 13:

In addition to its general objections, which are incorporated herein by reference, Tesla objects to this Interrogatory as overbroad, unduly burdensome, and not proportional to the needs of the case in that it asks Tesla to "[i]dentify and explain All information." Tesla objects to this Request as overly broad, vague, and ambiguous to the extent that it fails to specify the portions of the email to which it refers. Tesla further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, and all other

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1 applicable privileges, protections, or immunities. Such information will not be provided in
2 response.

3 Subject to and without waiving the foregoing general and specific objections, Tesla
4 responds to this Interrogatory as follows:

5 On June 14 and 15, 2018, Tripp was interviewed by Nicholas Gicinto and Jake Nocon
6 concerning the leak to *Business Insider*. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] Mr. Gicinto also told Mr. Musk that Tripp admitted to
10 sharing other confidential information with Ms. Lopez, to reaching out to multiple other media
11 outlets, and to attempting to recruit additional sources inside the Gigafactory to share Tesla's
12 confidential information with third parties. Mr. Gicinto further communicated to Mr. Musk that
13 Tripp complained about his position at Tesla. In addition to the confidential information Tripp
14 disclosed and in connection with it, Tripp provided false information to *Business Insider* that put
15 Tesla in a falsely negative light.

16 Mr. Gicinto further informed Mr. Musk that Tripp admitted to taking actions to cover his
17 tracks. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]. Tripp's user
21 credentials also appeared on multiple different Tesla computers.

22 Mr. Musk relied on information concerning Tripp's misconduct provided to him by
23 Mr. Gicinto.


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Dated: May 20, 2019

HUESTON HENNIGAN LLP

By: 
Allison L. Libeu
Attorneys for Plaintiff and
Counter-Defendant Tesla, Inc.

PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 620 Newport Center Drive, Suite 1300, Newport Beach, CA 92660.

On May 20, 2019, I served the foregoing document(s) described as:

**PLAINTIFF AND COUNTER-DEFENDANT TESLA INC.'S RESPONSES AND
OBJECTIONS TO DEFENDANT AND COUNTER-CLAIMANT MARTIN TRIPP'S
SECOND SET OF INTERROGATORIES**

☒ (BY E-MAIL) By transmitting a true copy of the foregoing document(s) by **Email or Electronic Transmission:**

Based on an agreement of the parties to accept service by email or electronic transmission. I caused the document(s) to be sent from email address sjones@hueston.com to the persons at the email addresses listed on the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful:

Robert D. Mitchell
William M. Fischbach III
Christopher J. Waznik
Matthew D. Dayton
TIFFANY & BOSCO, P.A.
2525 E. Camelback Road
7th Floor, Camelback Esplanade II
Phoenix, AZ 85016-4229

TEL: 602-255-6000
FAX: 602-255-0103
E-MAIL: rdm@tblaw.com
E-MAIL: wmf@tblaw.com
E-MAIL: cjlw@tblaw.com
E-MAIL: md@tblaw.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on May 20, 2019, at Newport Beach, California.

Stephen Richards
(Type or print name)

/s/ Stephen Richards
(Signature)

From: Angel Besinaiz <abesinaiz@tesla.com>
 Sent: Thursday, June 21, 2018 1:17 PM
 Subject: RE: Martin Tripp Call
 To: Shamara Bell <shabell@tesla.com>, Jeff Jones <jeff.jones@tesla.com>

Jeff,

Here the call log from yesterdays call. Sorry again we do not have a recorded call.

Media Type	Interaction ID	Start Times tamp	End Times tamp	From	To	GUID	Handling Attempt ID	Type	Customer ID	Start	End	Service Type	Service Subt
Voice	44762375	6/20/2018 1:39:46 PM	6/20/2018 1:46:37 PM	+10000242010	+16692728971	00VULU74RODH10BSN4UJ62LAES0091QD	206404745	Inbound	DEFAULT_CUSTOMER_ID	6/20/2018 1:40:17 PM	6/20/2018 1:46:37 PM	default	default - DEFAULT_SERVICE_SUBTYPE

Angel C. Besinaiz | Supervisor, Solar Technical Support
 LV HQ | 7180 Pollock Dr | Las Vegas, NV 89119



877-961-7652 | abesinaiz@tesla.com

TESLA

From: Shamara Bell

Sent: Thursday, June 21, 2018 12:13 PM

To: Jeff Jones <jeff.jones@tesla.com>

Cc: Angel Besinaiz <abesinaiz@tesla.com>

Subject: Martin Tripp Call

Hello Jeff,

I was asked to email you to recap the phone call that i received yesterday regarding Martin Tripp. I answered the phone to a man that sounded genuinely concerned & afraid. He explained that he is a very close friend of an ex-employee of Tesla that was fired recently. Explained that he fears for the safety of employees at the battery (Giga Factory) because of he is extremely volatile. Stated that he is very well heavily armed . Stated that he is extremely upset more -so now because his name was released in the media this past weekend.

****at that point i placed him on hold to recap with my supervisor who advised that i gather additional information****

A co-worker advised me of the Martin Tripp story that broke, so i asked if he was was referring to Martin Tripp when i returned to the line. He confirmed that he was referring to Martin.

I commended him for being brave enough to make the call to us. I asked if he would like to provide his name or any contact information so that we can gather additional information if needed. He declined because he says that he doesn't want to be involved in this matter with his friend but doesn't want anyone to get hurt. I thanked him for the incident report & reported to my supervisor who assisted with escalating this information to appropriate parties.

I hope this information was helpful.

Kindest Regards,

Shamara Bell

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PLEASE NOTE: This message, including any attachments, may include privileged, confidential and/or inside information. Any distribution or use of this communication by anyone other than the intended recipient(s) is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system. Thank you.

Message

From: Shamara Bell [shabell@tesla.com]
Sent: 6/21/2018 10:48:00 PM
To: Robert Smith [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dd67b80303e54b6db734deee0ecb728e-Robert Smit]; Shamara Bell [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=59ac3167afa5424a91250c74438c2292-Shamara Bel]
Subject: Conversation with Robert Smith

Shamara Bell 3:33 PM:

<https://www.cnbc.com/2018/06/21/tesla-says-it-got-call-that-ex-employee-martin-tripp-threatened-violence.html>

Shamara Bell 3:33 PM:

meant to tell u that i took this call :-(

Shamara Bell 3:33 PM:

i never said "shoot the place up " though... iaint THAT ghetto sheeeeshh

Robert Smith 3:34 PM:

wow that not even funny

Shamara Bell 3:35 PM:

RIGHT!! Tesla PR & security keeps calling me. Giving me the heads up for a potential media flock

Shamara Bell 3:35 PM:

i gotsta do my hair & make-up sheesh

Robert Smith 3:35 PM:

make sure you hook up those crows feet

Shamara Bell 3:36 PM:

(rofl)(rofl)(rofl)

Shamara Bell 3:36 PM:

*|



From: Sarah O'Brien
Sent: Wednesday, June 20, 2018 5:31 PM
To: Elon Musk
Subject: Re: Query re: Martin Tripp and your emails

I'll take it from here.

On Jun 20, 2018, at 5:29 PM, Elon Musk <erm@tesla.com> wrote:

Tripp sent me a threatening email this morning. Below is the exchange. I was just told that we received a call at the Gigafactory that he was going to come back and shoot people. The police have been alerted and we have posted additional security. Our comms team can fill you in.

----- Original message -----

From: Elon Musk <erm@tesla.com>
Date: 6/20/18 5:17 PM (GMT-08:00)
To: Todd Maron <todd@tesla.com>; Sarah O'Brien <sobrien@tesla.com>
Cc: EMDesk <emdesk@tesla.com>
Subject: Re: Termination/Lawsuit

Meant to say "no injuries"

On Jun 20, 2018, at 5:16 PM, Elon Musk <erm@tesla.com> wrote:

Begin forwarded message:

From: Elon Musk <erm@tesla.com>
Date: June 20, 2018 at 10:28:06 AM PDT
To: Marty Tripp <martytripp@icloud.com>
Subject: Re: Termination/Lawsuit

There are literally injuries with Model 3. It is by far the safest car in the world for any midsize vehicle. And of course a company with billions of dollars in product is going to have millions of dollars in scrap. This is not news.

However, betraying your word of honor, breaking the deal you had when Tesla gave you a job and framing your colleagues are wrong and some come with legal penalties. So it goes. Be well.

On Jun 20, 2018, at 10:03 AM, Marty Tripp <martytripp@icloud.com> wrote:



CONFIDENTIAL

TES-TRIPP_0010445

I NEVER 'framed' anyone else or even insinuated anyone else as being involved in my production of documents of your MILLIONS OF DOLLARS OF WASTE, Safety concerns, lying to investors/the WORLD.

Putting cars on the road with safety issues is being a horrible human being!

On Jun 20, 2018, at 10:00 AM, Elon Musk <erm@tesla.com> wrote:

You should ashamed of yourself for framing other people. You're a horrible human being.

On Jun 20, 2018, at 9:59 AM, Marty Tripp <martytripp@icloud.com> wrote:

I never made a threat. I simply told you that you have what's coming.

Thank you for this gift!!!

On Jun 20, 2018, at 9:42 AM, Elon Musk <erm@tesla.com> wrote:

Threatening me only makes it worse for you

On Jun 20, 2018, at 8:57 AM, Marty Tripp <martytripp@icloud.com> wrote:

Don't worry, you have what's coming to you for the lies you have told to the public and investors.

On Jun 20, 2018, at 4:38 PM, Julia Wong <julia.wong@theguardian.com> wrote:

Hi Elon,

The Guardian is planning to publish an article shortly about Tesla's lawsuit against Martin Tripp. Tripp has acknowledged to the Guardian that he was a source for a Business Insider reporter, but denies any implication that he was a saboteur, or that he hacked Tesla's MOS. Instead, Tripp claims that he went to the media after making numerous attempts to raise concerns about excess NCM, scrap, and other issues like punctured batteries, and being ignored.

Do you or Tesla want to comment on Tripp's claim that he was acting as a whistleblower?

And do you want to add any comment to the emails you sent to Tripp's personal account today, calling him a "horrible human being", among other things. Why did you decide to email Tripp after you had already fired and sued him?

Feel free to give me a call at 646-935-9101 if you'd like to discuss anything by phone.

Thanks,

Julia

--
Julia Carrie Wong

Reporter
Guardian News & Media

Phone/Signal/WhatsApp: 646-935-9101

Email: julia.wong@theguardian.com

Twitter: [@juliacarriew](https://twitter.com/juliacarriew)

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TES-TRIPP_0010447

From: Sarah O'Brien
Sent: Wednesday, June 20, 2018 5:55 PM
To: Julia Wong
Cc: Dave Arnold
Subject: Re: Query re: Martin Tripp and your emails

Just so you have a statement for the tip we received:

Attributed to a Tesla spokesperson:

"This afternoon, we received a phone call from a friend of Mr Tripp telling us that Mr Tripp would be coming to the Gigafactory to "shoot the place up." Police have been notified and actions are being taken to enhance security at the Gigafactory."

On background:

After being caught hacking Tesla's confidential and trade secret information and transferring it to third parties, Mr. Tripp is now claiming he is a "whistleblower." He is nothing of the sort. He is someone who stole Tesla data through highly pernicious means and transferred that data to unknown amounts of third parties, all while making easily disprovable claims about the company in order to try to harm it. As for Mr. Tripp's false claims:

- Mr. Tripp grossly exaggerated the value and amount of scrap material at the Gigafactory. Relying on the internal data that he hacked from Tesla's manufacturing operations system, Tripp incorrectly stated that Tesla has generated nearly \$150 million in scrap at the Gigafactory in 2018. That number is wrong by more than a factor of two.
- Among other things, he included large quantities that were not scrap from 2018 at all, but that were instead items such as materials from last year that had already been included in Tesla's 2017 financials, or that were simply serial numbers assigned as part of routine system testing to components that were never even made.
- Mr. Tripp also admitted to Tesla's investigators that he does not actually know the value of the scrap that he assigned dollar values to. He just guessed.
- The scrap that Tripp claims is being stored unsafely could not possibly pose a safety risk. These pieces are kept in a temperature controlled room and are neither connected nor energized.
- No punctured cells were ever used in Model 3 vehicles in any way. In February 2018, a robot damaged some modules being produced at the Gigafactory, and a team was involved in identifying the scope of the damage. After conducting extensive testing, they threw out the punctured cells, confirmed the safety of the rest, and only then returned just those to the production line. If there was even a sliver of doubt about whether a cell could pose a safety concern, it was not used in any vehicle. Notably, there have been zero battery safety issues in any Model 3.
- With respect to Tripp's claiming that Tesla incorrectly reported the number of Model 3 vehicles produced at the end of Q1, literally thousands of people have ongoing access to the production numbers. It is updated in real-time on screens in the factory, plainly visible to anyone passing by. The claim that Tesla would report the wrong production number is ridiculous.
- On all of these issues, Tripp is either not telling the truth or he simply has no idea what he is talking about.

On Jun 20, 2018, at 5:29 PM, Elon Musk <erm@tesla.com> wrote:

Tripp sent me a threatening email this morning. Below is the exchange. I was just told that we received a call at the Gigafactory that he was going to come back and shoot people. The police have been alerted and we have posted additional security. Our comms team can fill you in.



----- Original message -----

From: Elon Musk <erm@tesla.com>

Date: 6/20/18 5:17 PM (GMT-08:00)

To: Todd Maron <todd@tesla.com>, Sarah O'Brien <sobrien@tesla.com>

Cc: EMDesk <emdesk@tesla.com>

Subject: Re: Termination/Lawsuit

Meant to say "no injuries"

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From: Elon Musk <erm@tesla.com>

Date: June 20, 2018 at 10:28:06 AM PDT

To: Marty Tripp <martytripp@icloud.com>

Subject: Re: Termination/Lawsuit

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On Jun 20, 2018, at 10:03 AM,
Marty Tripp
<martytripp@icloud.com> wrote:

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WORLD.

Putting cars on the road with safety
issues is being a horrible human
being!

On Jun 20, 2018, at
10:00 AM, Elon
Musk
<erm@tesla.com>
wrote:

You should ashamed
of yourself for
framing other people.
You're a horrible
human being.

On Jun
20,
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Marty
Tripp
<martytripp@icloud.com>
wrote:

I never
made a
threat.
I

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told
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Thank
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Hi Elon,

The Guardian is planning to publish an article shortly about Tesla's lawsuit against Martin Tripp. Tripp has acknowledged to the Guardian that he was a source for a Business Insider reporter, but denies any implication that he was a saboteur, or that he hacked Tesla's MOS. Instead, Tripp claims that he went to the media after making numerous attempts to raise concerns about excess NCM, scrap, and other issues like punctured batteries, and being ignored.

Do you or Tesla want to comment on Tripp's claim that he was acting as a whistleblower?

And do you want to add any comment to the emails you sent to Tripp's personal account today, calling him a "horrible human being", among other things. Why did you decide to email Tripp after you had already fired and sued him?

Feel free to give me a call at 646-935-9101 if you'd like to discuss anything by phone.

Thanks,

Julia

--

Julia Carrie Wong
Reporter
Guardian News & Media

Phone/Signal/WhatsApp: 646-935-9101
Email: julia.wong@theguardian.com

twitter: [@juliacarriew](https://twitter.com/juliacarriew)

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From: Dave Arnold
Sent: Thursday, June 21, 2018 7:33 AM
To: j.murdock@newsweekgroup.com
Subject: RE: Media comment request re. Legal action - Newsweek

Hi Jason –

I saw your article published, but here's some information on background (not for quotation, but you can paraphrase and attribute to Tesla):

After being caught hacking Tesla's confidential and trade secret information and transferring it to third parties, Mr. Tripp is now claiming he is a "whistleblower." He is nothing of the sort. He is someone who stole Tesla data through highly pernicious means and transferred that data to unknown amounts of third parties, all while making easily disprovable claims about the company in order to try to harm it. As for Mr. Tripp's false claims:

- Mr. Tripp grossly exaggerated the value and amount of scrap material at the Gigafactory. Relying on the internal data that he hacked from Tesla's manufacturing operations system, Tripp incorrectly stated that Tesla has generated nearly \$150 million in scrap at the Gigafactory in 2018. That number is wrong by more than a factor of two.
- Among other things, he included large quantities that were not scrap from 2018 at all, but that were instead items such as materials from last year that had already been included in Tesla's 2017 financials, or that were simply serial numbers assigned as part of routine system testing to components that were never even made.
- Mr. Tripp also admitted to Tesla's investigators that he does not actually know the value of the scrap that he assigned dollar values to. He just guessed.
- The scrap that Tripp claims is being stored unsafely could not possibly pose a safety risk. These pieces are kept in a temperature controlled room and are neither connected nor energized.
- No punctured cells were ever used in Model 3 vehicles in any way. In February 2018, a robot damaged some modules being produced at the Gigafactory, and a team was involved in identifying the scope of the damage. After conducting extensive testing, they threw out the punctured cells, confirmed the safety of the rest, and only then returned just those to the production line. If there was even a sliver of doubt about whether a cell could pose a safety concern, it was not used in any vehicle. Notably, there have been zero battery safety issues in any Model 3.
- With respect to Tripp's claiming that Tesla incorrectly reported the number of Model 3 vehicles produced at the end of Q1, literally thousands of people have ongoing access to the production numbers. It is updated in real-time on screens in the factory, plainly visible to anyone passing by. The claim that Tesla would report the wrong production number is ridiculous.
- On all of these issues, Tripp is either not telling the truth or he simply has no idea what he is talking about.

Also, so you're aware, yesterday afternoon, we received a phone call from a friend of Mr. Tripp telling us that Mr. Tripp would be coming to the Gigafactory to 'shoot the place up.' Police have been notified and actions are being taken to enhance security at the Gigafactory.

Begin forwarded message:

From: Jason Murdock <j.murdock@newsweekgroup.com>
Date: June 21, 2018 at 2:58:31 AM PDT
To: Press@tesla.com, EUPress@tesla.com
Subject: Media comment request re. Legal action - Newsweek



Hi,

Writing from *Newsweek* about the legal filing against former employee Martin Tripp. Are you able to comment on his assertion that he was acting as a whistleblower? Any statement regarding what is the next step in the legal process would also be greatly appreciated.

Best,

Jason Murdock

--

JASON MURDOCK | SENIOR TECH REPORTER

NEWSWEEK

Floor 24, 25 Canada Square, Canary Wharf, London, E14 5LQ

E j.murdock@newsweekgroup.com

W <http://www.newsweek.com/>



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[REDACTED]

From: James Uelmen [REDACTED]
Date: June 20, 2018 at 9:21:18 PM MDT
To: erm@tesla.com
Subject: Re: Marty Tripp reached out

On Wed, Jun 20, 2018, 8:16 PM James Uelmen <[REDACTED]> wrote:

Sir,
I worked as a Quality Tech in Stator as well as cooling tubes and a few other departments. I was terminated last week (unfairly i believe). I was told someone called the 800 on me and that even though I had no history of offensive behavior, that was enough to terminate me. I moved my wife and 2 young kids out here from Detroit because i believe in what we (you) are doing. All I want is my job back. But while I was there I did work closely with Martin Tripp and he has reached out to me. I'm a loyal worker, a lot more loyal than most that work there. Give me some advice on what you need me to do.
I loved my job and what I did as a Quality Tech but i was told that while doing my job that I 'rubbed people the wrong way' because i would not allow bad parts to go down the line and for that I was fired? Help me get my job back please. Call me if you need to at [REDACTED]

EXHIBIT 22

Musk

2/21/2020

Reported by: Michael P. Hensley
CSR 14114, RDR

1

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

TES-TRIPP_0020097

From: erm@tesla.com
Sent: Thursday, June 21, 2018 11:36 PM
To: James Uelmen
Subject: Re: Contact me

What is the situation with Marty?

How can I help?

> On Jun 21, 2018, at 11:27 PM, James Uelmen [REDACTED] wrote:

>

> Sir,

> I worked with Marty Tripp. I was a Quality Tech and i am being contacted by reporters because he gave them my name. I need some advice. I was a loyal and hard working employee. I believe in what your trying to do. I have a family and all i want is to be a good father and husband. Please contact me. [REDACTED]



From: erm@tesla.com
Sent: Monday, July 09, 2018 4:40 PM
To: Deth stayerr
Subject: Re: they're not so smart

Sounds about right

On Jul 10, 2018, at 12:27 AM, Deth stayerr [REDACTED] wrote:

um this literally feels like a video game

been kinda thinking about how like... life feels like a big video game and shady investors r like ppl who don't mind using cheat codes

it's like, i keep asking myself is this press nightmare a trial or punishment but it's probably a game so we shud attempt to win/ solve it

like production is the final boss and the press bullshit is the DLC boss (granted we didn't fucking download this fucking dlc but it seems like we have no choice but to play thru it)

On Mon, Jul 9, 2018 at 10:23 AM Deth stayerr [REDACTED] wrote:
WOW

On Mon, Jul 9, 2018 at 8:28 AM Elon Musk <erm@tesla.com> wrote:

Begin forwarded message:

From: Bonnie Norman [REDACTED]
Date: July 9, 2018 at 10:07:38 PM GMT+7
To: Elon Musk <erm@tesla.com>
Subject: Re: they're not so smart

I've been wondering that, too.

I have access to some databases that aren't avail to the general public. I've been looking for any connection between any Tripp & any Chanos in Wisconsin (cross indexing addresses looking for proximity, checking yearbooks, etc). So far nothing. But I'm not done.

Just this morning I've been able to connect the two groups doing deep dives (one on Tripp, the other on Montana Skeptic), so I'm hoping they'll be able to pick up some additional info. Also one of them believes that Chanos and Rahr have homes very near each other in the Hamptons. Not a complete impossibility given that the Hamptons is a NY'er destination, but if they're really near each other, it likely means they're attending the same parties.

I'll update you with both the suspicions the groups have and any hard data they get. With so many puzzle pieces on the table, something is going to connect.

EXHIBIT 24

Musk

2/21/2020

Reported by: Michael P. Hensley
CSR 14114, RDR

On Mon, Jul 9, 2018 at 7:44 AM, Elon Musk <erm@tesla.com> wrote:
I wonder if Tripp was sent to work at Tesla directly or indirectly by Chanos.
That would be pretty crazy.

On Jul 8, 2018, at 9:14 PM, Bonnie Norman [REDACTED]
wrote:

Lawrence Fossi (Montana Skeptic) - guy who works for Rahr

He posted a photo on Seeking Alpha and forgot to remove the
metadata - which leads straight to his house in Montana.

I just burst out laughing when I heard. Also, they told me that
Chanos and Marty Tripp are both from Milwaukee - but haven't
been able to find any family ties. Just an interesting piece of
info that may or may not link up later.

[https://docs.google.com/document/d/1xY16uO_NB_G8wZeKV
c6OtfXKZKSRQuZWqAWhErQIar0/edit](https://docs.google.com/document/d/1xY16uO_NB_G8wZeKVc6OtfXKZKSRQuZWqAWhErQIar0/edit)

fyi, in case you haven't seen this - a former employee of yours
has been giving Tripp nonstop shit on twitter for being an
asshat.

https://twitter.com/melissab8980/with_replies

From: erm@tesla.com
Sent: Sunday, July 22, 2018 6:55 PM
To: C*
Subject: Fwd: gigaman_nv

Begin forwarded message:

From: erm@tesla.com
Date: July 10, 2018 at 10:21:14 PM PDT
To: Bonnie Norman [REDACTED]
Cc: Todd Maron [REDACTED]
Subject: Re: gigaman_nv

What would be really concerning is if Tripp was actually sent to work at Tesla by a short seller specifically in order to provide them with material non-public info and/or feed exaggerated negative info to journalists from a position of credibility on the inside.

If Tripp was using a fake account to trash Tesla right after he started, then he either has serious mental issues, was working for a short seller or both.

On Jul 11, 2018, at 1:02 PM, Bonnie Norman [REDACTED] wrote:

I've asked them to put a list together, they're on it.

So with this Gigaman_NV account on Disqus -how much do you need to get a court order to freeze that info? It opened about his start date with Tesla (Nov 1 2017) and has been negative from the first post. That negates his whole 'I loved Tesla and believed in the mission until I saw what I saw' story.

It's also possible he's used his duplicate accounts to fool journalists. That's a bit beyond 'just want to get the truth out there', when the truth he's giving is coming from sock puppets.

On Tue, Jul 10, 2018 at 9:53 PM, Todd Maron [REDACTED] wrote:
Thanks Bonnie. If you send me what they're looking into, I can help prioritize among them.

----- Original message -----

From: Bonnie Norman [REDACTED]
Date: 7/10/18 9:43 PM (GMT-08:00)
To: Elon Musk <erm@tesla.com>, Todd Maron [REDACTED]



Subject: gigaman_nv

Messages below that I received this evening. Is there any specific information they could dig in on that would be most helpful? They have a mountain of things to unravel and any prioritization would be helpful.

Bonnie, it's him. But I need more time to prove it. I checked Twitter, his two Disqus profiles, his blog, and two music forums that he frequents. All of them have the same two linguistic tics. For example, Gigaman on Disqus used "..." in his messages 1430 times and he has 677 comments. Similar finding regarding the usage frequency of ALL CAPITALIZED WORDS across accounts.

To really prove it statistically we would need time. So far we only collected Disqus and Twitter in machine readable formats.

<Screen Shot 2018-07-10 at 9.21.35 PM.png>

(the Montana Skeptic Dossier account gave me the tip & I gave it to this group since they're focused on collecting Tripp info)

So here's the reference to Lora Kolodny - she may not know that the two sources she had were actually one and the same person. I've struck up an offline *friendship* with her, would be easy to give her a little hint that she's getting played if that's the case.



komocode
@komocode

Follow

Replying to @CNBC

@lorakolodny are you just grabbing quotes from the electrek diqus forums? you do know that Gigaman_NV is notoriously anti Tesla and will do anything for a bad Tesla report.

old CNBC that the
do not have the n
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Gigaman NV → Dan a month ago

One of the most prevalent iss individual cells are negative, tl variability in positioning of the glued to the cooling tube, cell: together in the module constr distance which is needed to a thermal runaway condition. Nr that would need to take place happen...but I can tell you, the and rely on the "remoteness" could take place.

1:05 PM - 25 Jan 2018

These are the two photos attached to that tweet - the first is Kolodny's article, the second is Tripp. And I wonder if the 'two engineers' she references might actually be Tripp & Tripp.

Two current engineers told CNBC that they are concerned some of the batteries being shipped do not have the minimum gap required between lithium ion cells. These engineers warned that this "touching cells" flaw could cause batteries to short out or, in worse cases, catch fire.



Gigaman_NV → Dan · a month ago

One of the most prevalent issues is "touching cells". The sides of the individual cells are negative, the top is positive. Because of the variability in positioning of the cells when they are assembled and glued to the cooling tube, cells can be too close when sandwiched together in the module construction process. There is a minimum distance which is needed to assure there is no arc and possible thermal runaway condition. Now, there are a number of conditions that would need to take place for something catastrophic to happen...but I can tell you, they gave up trying to address this issue and rely on the "remoteness" of the possibility a battery ignition could take place.

And lastly, here is info on some other forums where he participates (links below the screenshot). None of this seems relevant, but including it for completeness.

Other important accounts:

Fractal Audio Blog (453 messages):

[forum.fractalaudio.com/members/guitar...](http://forum.fractalaudio.com/members/guitartripp.30108/)

Boogie Board (user: trippedover - tens of messages):

[forum.grailtone.com/viewtopic.php?...](http://forum.grailtone.com/viewtopic.php?f=9&t=52617)

Less important accounts, would not bother (but they have the same tics!):

Facebook account of his band:

[facebook.com/pages/Infinite...](https://www.facebook.com/pages/Infinite-End-Studio/197651660266131)

Blog: guitarripper.blogspot.com

ec electronic (9 messages):

[forum.tcelectronic.com/search/posts/u...](http://forum.tcelectronic.com/search/posts/user/10183/)

9m

<https://forum.fractalaudio.com/members/guitartripp.30108/>

<http://forum.grailtone.com/viewtopic.php?f=9&t=52617>

<https://www.facebook.com/pages/Infinite-End-Studio/197651660266131>

<http://guitarripper.blogspot.com/>

<http://forum.tcelectronic.com/search/posts/user/10183/>

From: Elon Musk

Sent: Tuesday, August 21, 2018 4:02 AM

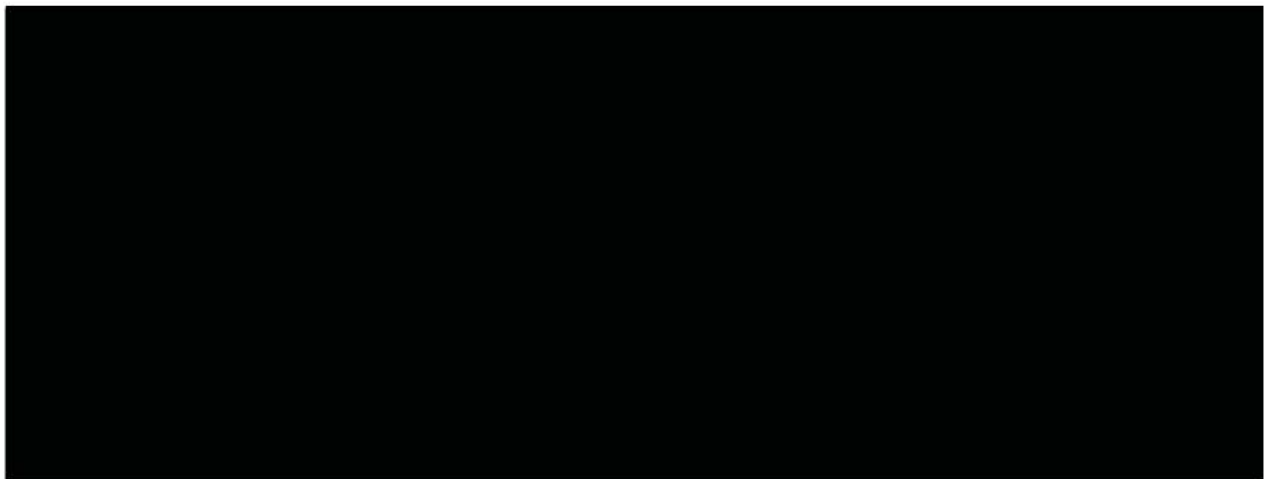
To: Juleanna Glover

Cc: Kimbal Musk; Dave Arnold

Subject: Re: WSJ Story on Combating Tesla Critica

Will Tweet as I wish and suffer the consequences. So it goes.

I just deleted my Instagram. Weak sauce.



On Aug 21, 2018, at 4:10 PM, Elon Musk <erm@tesla.com> wrote:

Don't they have something else to write about? It is so tiresome to see myself in the news!

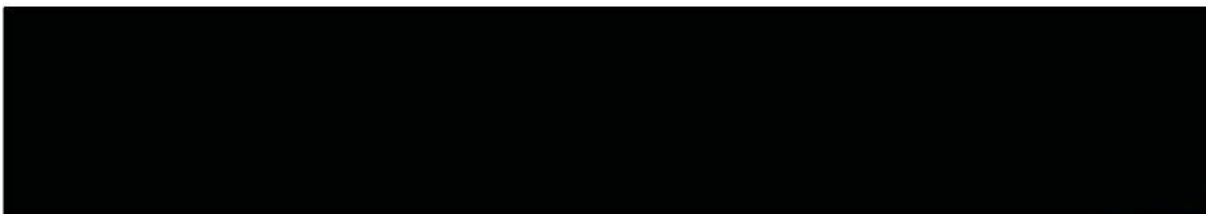


EXHIBIT 26


Musk

2/21/2020

Reported by: Michael P. Hensley
CSR 14114, RDR








As far as Tripp is concerned, that guy stole gigabytes of Tesla data, changed the data to make it sound terrible (fortunately, to a ridiculous degree) and posted it online. At one point, he claimed we had more scrapped parts than the total output of our Gigafactory, which is physically impossible.

Tripp broke a dozen or more laws and caused great harm to the citizens of Nevada. Tesla legal has met with the Nevada Attorney General's office and my understanding is that they are likely to move forward with a criminal case. The facts are unequivocal.



What are we supposed to do here? Advice would be much appreciated.

Thanks,

Elon





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Attorneys for Plaintiff/Counter-Defendant
 Tesla, Inc.

UNITED STATES DISTRICT COURT**DISTRICT OF NEVADA**

TESLA, INC., a Delaware corporation,

Plaintiff,

vs.

MARTIN TRIPP, an individual,

Defendant.

Case No. 3:18-cv-00296-LRH-CBC

**PLAINTIFF AND COUNTER-DEFENDANT
 TESLA, INC.'S RESPONSES AND
 OBJECTIONS TO DEFENDANT AND
 COUNTER-CLAIMANT MARTIN TRIPP'S
 FIRST SET OF REQUESTS FOR
 ADMISSION**

AND RELATED COUNTERCLAIMS

PROPOUNDING PARTY:

Defendant/Counter-Claimant Martin Tripp

RESPONDING PARTY:

Plaintiff/Counter-Defendant Tesla, Inc.

SET NO.:

One (Nos. 1-17)

EXHIBIT 31

Musk

2/21/2020

Reported by: Michael P. Hensley
 CSR 14114, RDR

TESLA, INC.'S RESPONSES AND OBJECTIONS TO REQUESTS FOR ADMISSION, SET ONE

1 Plaintiff and Counter-Defendant Tesla, Inc. ("Tesla"), by and through its undersigned
2 counsel, hereby respectfully submits its responses and objections to Defendant and
3 Counter-Claimant Martin Tripp's ("Tripp") First Set of Requests for Admission (the "Requests").

4 **PRELIMINARY STATEMENT**

5 As Tesla has not completed discovery in this action, these Responses and Objections
6 ("Responses") necessarily reflect only the current state of Tesla's knowledge, understanding, and
7 belief based upon the information reasonably available to Tesla at this time. Tesla anticipates that
8 further facts and information may be discovered. Without in any way obligating itself to do so,
9 Tesla reserves the right to modify, supplement, revise, or amend these Responses to correct any
10 errors or omissions which may be contained herein, in light of the information that Tesla may
11 subsequently obtain or discover. These Responses are made solely for the purposes of this action,
12 and are subject to all objections as to competence, authenticity, relevance, materiality, privilege,
13 and admissibility. All such objections and grounds are expressly reserved and may be interposed at
14 the time of summary judgment, trial, or otherwise. Furthermore, these Responses are provided
15 without prejudice to Tesla's right to produce evidence of any subsequently discovered fact or facts,
16 which Tesla may later recall. Tesla accordingly reserves the right to change any and all Responses
17 herein as additional facts are ascertained, analyses are made, legal research is completed, and
18 contentions are investigated. This Preliminary Statement shall apply to each and every Response
19 given herein and shall be incorporated by reference as though set forth fully in each Response
20 below. Subject to the general and specific objections listed below, Tesla provide the following
21 responses.

22 **GENERAL OBJECTIONS**

23 The following general objections apply to each and every Request propounded by Tripp and
24 are incorporated by reference into each of the following specific responses as if set forth in full
25 therein.

26 1. Tesla objects to the Requests to the extent that they are vague, ambiguous,
27 overbroad, unduly burdensome, incomprehensible, compound, duplicative and cumulative, call for
28 speculation, seek information and/or documents that are neither relevant nor reasonably calculated

disclosure by the attorney-client privilege, work product doctrine, and any other applicable privileges, protections, or immunities.

Subject to and without waiving the foregoing general and specific objections, Tesla denies this Request.

REQUEST FOR ADMISSION NO. 15:

Admit that You have no evidence that Mr. Tripp had any Communication with any short-seller of Your stock during his employment with You.

RESPONSE TO REQUEST FOR ADMISSION NO. 15:

In addition to its general objections, which are incorporated herein by reference, Tesla objects to this Request as overbroad and unduly burdensome in its use of “any Communication.” Tesla further objects to this Request (particularly the use of the term “evidence”) as calling for a legal conclusion. Tesla further objects to this Request as vague and ambiguous with respect to the term “short-seller of Your stock.” Tesla objects to this Request as neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Tesla further objects to this Request as premature, particularly in light of the fact that discovery has not yet been completed. Tesla further objects to the extent that this Request seeks information protected from disclosure by the attorney-client privilege, attorney work product doctrine, or any other applicable privileges, protections, or immunities.

Subject to and without waiving the foregoing general and specific objections, after a reasonable inquiry concerning the matter and the information known or readily obtainable, Tesla lacks sufficient knowledge or information to admit or deny this Request.

REQUEST FOR ADMISSION NO. 16:

Admit that You have no evidence that Mr. Tripp had any Communications with any oil company during his employment with You.

RESPONSE TO REQUEST FOR ADMISSION NO. 16:

In addition to its general objections, which are incorporated herein by reference, Tesla objects to this Request as overbroad and unduly burdensome in its use of “any Communications.” Tesla further objects to this Request (particularly the use of the term “evidence”) as calling for a

1 legal conclusion, Tesla further objects to this Request as vague and ambiguous with respect to the
 2 term “oil company.” Tesla objects to this Request as neither relevant nor reasonably calculated to
 3 lead to the discovery of admissible evidence. Tesla further objects to this Request as premature,
 4 particularly in light of the fact that discovery has not yet been completed. Tesla further objects to
 5 the extent that this Request seeks information protected from disclosure by the attorney-client
 6 privilege, attorney work product doctrine, or any other applicable privileges, protections, or
 7 immunities.

8 Subject to and without waiving the foregoing general and specific objections, after a
 9 reasonable inquiry concerning the matter and the information known or readily obtainable, Tesla
 10 lacks sufficient knowledge or information to admit or deny this Request.

11 **REQUEST FOR ADMISSION NO. 17:**

12 Admit that You have no evidence that Mr. Tripp had any Communication with any other
 13 car company besides You during his employment with You.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 17:**

15 In addition to its general objections, which are incorporated herein by reference, Tesla
 16 objects to this Request as overbroad and unduly burdensome in its use of “any Communication.”
 17 Tesla further objects to this Request (particularly the use of the term “evidence”) as calling for a
 18 legal conclusion. Tesla further objects to this Request as vague and ambiguous with respect to the
 19 term “car company.” Tesla objects to this Request as neither relevant nor reasonably calculated to
 20 lead to the discovery of admissible evidence. Tesla further objects to this Request as premature,
 21 particularly in light of the fact that discovery has not yet been completed. Tesla further objects to
 22 the extent that this Request seeks information protected from disclosure by the attorney-client
 23 privilege, attorney work product doctrine, or any other applicable privileges, protections, or
 24 immunities.

25 Subject to and without waiving the foregoing general and specific objections, after a
 26 reasonable inquiry concerning the matter and the information known or readily obtainable, Tesla
 27 lacks sufficient knowledge or information sufficient to admit or deny this Request.

1 Dated: March 8, 2019

HUESTON HENNIGAN LLP

2
3 By: 

4 Allison L. Libeu
5 Attorneys for Plaintiff and
6 Counter-Defendant Tesla, Inc.
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PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 620 Newport Center Drive, Suite 1300, Newport Beach, CA 92660.

On March 8, 2019, I served the foregoing document(s) described as:

**PLAINTIFF AND COUNTER-DEFENDANT TESLA INC.'S RESPONSES AND
OBJECTIONS TO DEFENDANT AND COUNTER-CLAIMANT MARTIN TRIPP'S
FIRST SET OF REQUESTS FOR ADMISSION**

☒ (BY E-MAIL) By transmitting a true copy of the foregoing document(s) by **Email or Electronic Transmission:**

Based on an agreement of the parties to accept service by email or electronic transmission. I caused the document(s) to be sent from email address sjones@hueston.com to the persons at the email addresses listed on the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful:

Robert D. Mitchell
William M. Fischbach III
Christopher J. Waznik
Matthew D. Dayton
TIFFANY & BOSCO, P.A.
2525 E. Camelback Road
7th Floor, Camelback Esplanade II
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E-MAIL: md@tblaw.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on March 8, 2019, at Newport Beach, California.

Stephen Richards
(Type or print name)

/s/ Stephen Richards
(Signature)